UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2000/2
E/CN.4/Sub.2/1999/54
10 November 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON ITS FIFTY-FIRST SESSION

Geneva, 2-27 August 1999

Rapporteur: Mr. Paulo S. Pinheiro

GE.99-15967 (E)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/2
E/CN.4/Sub.2/1999/54
10 November 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON ITS FIFTY-FIRST SESSION

Geneva, 2-27 August 1999

Rapporteur: Mr. Paulo S. Pinheiro

CONTENTS

Chapter Page

I. DRAFT DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION 11

1. The rights of non-citizens 11
2. Globalization and its impact on the full enjoyment of all human rights 11
3. The Social Forum 12
4. The right to adequate food and to be free from hunger 12
5. Working Group on Indigenous Populations 12
6. Working paper on indigenous peoples and their relationship to land 12
7. Terrorism and human rights 13
8. Reservations to human rights treaties 13
9. Housing and property restitution in the context of the return of refugees and internally displaced persons 13

II. RESOLUTIONS AND DECISIONS ADOPTED, AND CHAIRPERSON'S STATEMENTS AGREED ON BY THE SUB-COMMISSION AT ITS FIFTY-FIRST SESSION 15

A. Resolutions

1999/1 Situation of human rights in the Republic of the Congo 15
1999/2 Question of the violation of human rights and fundamental freedoms in all countries 16
1999/3 Violations of the rights of human rights defenders in all countries 18
1999/4 The death penalty, particularly in relation to juvenile offenders 21
1999/5 Continuing of obligations under international human rights treaties 23

CONTENTS (continued)

Chapter Page

II A Resolutions (continued)

1999/6 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance 26

1999/7 The rights of non-citizens 30

1999/8 Globalization and its impact on the full enjoyment of all human rights 32

1999/9 Follow-up to resolution 1996/22 and decision 1998/105 on the right to development 33

1999/10 The Social Forum 35

1999/11 The realization of the right to education, including education in human rights 37

1999/12 The right to adequate food and to be free from hunger 37

1999/13 Traditional practices affecting the health of women and the girl child 40

1999/14 The situation of women and girls in Afghanistan 42

1999/15 Women and the right to development 44

1999/16 Systematic rape, sexual slavery and slavery-like practices 47

1999/17 Report of the Working Group on Contemporary Forms of Slavery 49

1999/18 United Nations Voluntary Trust Fund on Contemporary Forms of Slavery 57

1999/19 International Decade of the World's Indigenous People 58

1999/20 Working Group on Indigenous Populations 61

1999/21 Working paper on indigenous peoples and their relationship to land 64

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1999/22 Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations 65

1999/23 Prevention of discrimination against and the protection of minorities 66

1999/24 Draft international convention on the protection of all persons from enforced disappearance 68

1999/25 Promotion of dialogue on human rights issues 69

1999/26 Terrorism and human rights 70

1999/27 Reservations to human rights treaties 72

1999/28 Observance of human rights by States which are not parties to United Nations human rights conventions 73

1999/29 Globalization and its impact on the full enjoyment of all human rights 74

1999/30 Trade liberalization and its impact on human rights 74

B. Decisions

1999/101 Establishment of a sessional working group on the working methods and activities of transnational corporations 77

1999/102 Establishment of a sessional working group on the methods of work of the Sub-Commission 77

1999/103 Sessional working group on the administration of justice 77

1999/104 Voting by secret ballot 77

1999/105 Adjournment of the debate on draft resolution E/CN.4/Sub.2/1999/L.6 78

CONTENTS (continued)

Chapter Page

II. B. Decisions (continued)

1999/106 The concept and practice of affirmative action 78

1999/107 Promotion of the realization of the right to drinking water supply and sanitation services 78

1999/108 Housing and property restitution in the context of the return of refugees and internally displaced persons 79

1999/109 The human rights problems and protections of the Roma 79

1999/110 Humanitarian situation in Iraq 79

1999/111 Adverse consequences of economic sanctions on the enjoyment of human rights 80

1999/112 Human rights in the context of HIV/AIDS 81

1999/113 Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war 81

1999/114 Methods of work of the Sub-Commission 81

1999/115 Rationalization of the work of the Commission on Human Rights 113

1999/116 Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission 113

1999/117 Adjournment of the debate on part B of draft resolution E/CN.4/Sub.2/1999/L.18 114

C. Chairperson's statements

Situation of human rights in Togo 115

Situation of human rights in Belarus 116

Situation of human rights in Indonesia 116

Situation of human rights in Mexico 118

CONTENTS (continued)

Chapter		Paragraphs	Page
II	C. Chairperson's statements (continued)		
	Persons in Nepal claiming to be refugees from Bhutan		118
	Kidnapping and hostage-taking		119
III	ORGANIZATION OF WORK	1 - 45	121
	(a) Election of officers		
	(b) Adoption of the agenda		
	(c) Methods of work of the Sub-Commission		
IV	QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)	46 - 115	127
V	COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION	116 - 134	143
	(a) Situation of migrant workers and members of their families		
	(b) Xenophobia		
VI	THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS	135 - 174	145
	(a) The international economic order and the promotion of human rights		
	(b) The realization of the right to development		

CONTENTS (continued)

Chapter		Paragraphs	Page
VI	(continued)		
	(c) The question of transnational corporations		
	(d) The realization of the right to education, including education in human rights		
VII	THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN	175 - 189	150
	(a) Traditional practices affecting the health of women and the girl child		
	(b) The role and equal participation of women in development		
VIII	CONTEMPORARY FORMS OF SLAVERY	190 - 210	152
IX	HUMAN RIGHTS OF INDIGENOUS PEOPLES	211 - 226	154
	(a) Indigenous peoples and their relationship to land		
X	PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES	227 - 235	156
XI	THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS	236 - 241	157
	(a) Question of human rights and states of emergency		
	(b) Application of international standards concerning the human rights of detained juveniles		
	(c) Gross and massive violations of human rights as an international crime		
	(d) Juvenile justice		
	(e) Privatization of prisons		
	(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families		

CONTENTS (continued)

Chapter		Paragraphs	Page
XII	FREEDOM OF MOVEMENT	242 - 244	158
	(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution		
	(b) Human rights and population displacements		
XIII	SITUATION REGARDING THE PROMOTION, FULL REALIZATION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUTH	245 - 247	159
XIV	REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED	248 - 273	160
	(a) Review of developments concerning recommendations and decisions relating inter alia, to (i) Promotion, protection and restoration of human rights at national, regional and international levels, (ii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the universal declaration of human rights by States which are not parties to United Nations human rights conventions,		
	(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine (i) Implications of humanitarian activities for the enjoyment of human rights, (ii) Terrorism and human rights,		
	(c) Human rights and disability,		
	(d) Other new developments (i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights, (ii) Arbitrary deprivation of nationality		

CONTENTS (continued)

Chapter — Paragraphs — Page

XV COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) ..... 274 - 281 164

XVI CONCLUDING ITEMS ..... 282 - 290 166

(a) Consideration of the future work of the Sub-Commission

(b) Draft provisional agenda for the fifty-second session of the Sub-Commission

(c) Adoption of the report of the fifty-first session

Annexes

I Agenda 173

II General debate 176

III List of attendance 184

IV Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-first session 190

V Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights 191

VI List of studies and reports

A Studies and reports completed at the fifty-first session of the Sub-Commission 192

B Ongoing studies and reports entrusted to special rapporteurs in accordance with existing legislative authority 193

CONTENTS (continued)

Page

Annexes

C. Working papers and other documents without financial implications entrusted to members of the Sub-Commission in accordance with existing legislative authority 194

D. Studies and reports recommended to the Commission on Human Rights for approval 196

VII. List of documents for the fifty-first session of the Sub-Commission 197

I. DRAFT DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

1. The rights of non-citizens

The Commission on Human Rights, taking note of resolution 1999/7 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council decides to authorize the Sub-Commission on the Promotion and Protection of Human Rights to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, based on the working paper prepared by Mr. David Weissbrodt as well as the comments made and the discussions that took place at the fifty-first session of the Sub-Commission and may be made or may take place at the fifty-sixth session of the Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session, and a final report at its fifty-fifth session. The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him/her to accomplish this task."

[See chap. II, sect. A, resolution 1999/7,
and chap. V.]

2. Globalization and its impact on the full enjoyment of all human rights

The Commission on Human Rights, recalling its resolution 1999/59 of 28 April 1999 and taking note of resolution 1999/8 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to endorse the appointment of Mr. J. Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights, paying specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine the focus and methods of the study, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 2000/ of April 2000, decides to approve the appointment of Mr. J. Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights, paying specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine the focus and methods of the study."

[See chap. II, sect. A, resolution 1999/8,
and chap. VI.]

3. The Social Forum

The Commission on Human Rights, taking note of resolution 1999/10 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the holding of a Social Forum during the fifty-second session of the Sub-Commission and approves the Sub-Commission's request that all secretariat facilities be provided for the preparation and servicing of the event.

[See chap. II, sect. A, resolution 1999/10,
and chap. VI.]

4. The right to adequate food and to be free from hunger

The Commission on Human Rights, taking note of resolution 1999/12 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the conclusions and recommendations contained in the updated study on the right to food prepared by Mr. Asbjorn Eide and decides to request the publication by the United Nations, in all official languages, of the updated study on the right to food (E/CN.4/Sub.2/1999/12) and its wide distribution.

[See chap. II, sect. A, resolution 1999/12,
and chap. VI.]

5. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 1999/20 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for eight working days prior to the fifty-second session of the Sub-Commission.

[See chap. II, sect. A, resolution 1999/20
and chap. IX.]

6. Working paper on indigenous peoples and their relationship to land

The Commission on Human Rights, taking note of resolution 1999/21 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to transmit as soon as possible the second progress report on the working paper on indigenous peoples and their relationship to land (E/CN.4/Sub.2/1999/18) to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions, and to provide the

Special Rapporteur with all the assistance necessary to enable her to submit her final working paper to the Working Group on Indigenous Populations at its eighteenth session and to the Sub-Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1999/21
and chap. IX.]

7. Terrorism and human rights

The Commission on Human Rights, taking note of resolution 1999/26 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular, by providing for visits to Geneva, New York and, in particular, the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna, in order to hold consultations with the competent services and bodies of the United Nations, to complement her essential research and to collect all the needed and up-to-date information and data.

[See chap. II, sect. A, resolution 1999/26
and chap. XIV.]

8. Reservations to human rights treaties

The Commission on Human Rights, taking note of resolution 1999/27 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-second session, a progress report at its fifty-third session, and a final report at its fifty-fourth session.

[See chap. II, sect. A, resolution 1999/27
and chap. XIV.]

9. Housing and property restitution in the context of the return of refugees and internally displaced persons

The Commission on Human Rights, recalling resolution 1998/26 of 26 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on housing and property restitution in the context of the return of refugees and internally displaced persons and the Sub-Commission decision 1999/108 of 25 August 1999, and recalling Commission resolution 1999/47 of 27 April 1999, in which it encouraged the Sub-Commission to continue its work on this matter, requests the Secretary-General to transmit Sub-Commission resolution 1998/26 of 26 August 1998 to States, the Representative of the Secretary-General on internally displaced persons, the United Nations High Commissioner for Refugees, intergovernmental organizations and non-governmental organizations for their comments.

[See chap. II, sect. B, decision 1999/108
and chap. XI.]

II. RESOLUTIONS AND DECISIONS ADOPTED, AND CHAIRPERSON'S STATEMENTS AGREED ON BY THE SUB-COMMISSION AT ITS FIFTY-FIRST SESSION

A. Resolutions

1999/1. Situation of human rights in the Republic of the Congo

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,

Mindful that the Republic of the Congo is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the first Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, and the four Geneva Conventions of 1949,

Recalling its resolution 1997/1 of 20 August 1997, in which it called upon the Government of the Republic of the Congo and all parties to the conflict to abide by their obligations under international human rights and humanitarian law,

Noting with deep concern the persistence of allegations of deliberate massacres of civilians in the Pool region and in Brazzaville,

Concerned about allegations of arbitrary and extrajudicial executions whose perpetrators remain unpunished because of the de facto lack of independence of the judiciary,

Concerned also about the allegations of deportations in the Republic of the Congo, arbitrary detentions and non-observance of the freedom of expression,

1. *Calls upon* the Government of the Republic of the Congo:

(a) To ensure respect for human rights in the Republic of the Congo;

(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Rome Statute of the International Criminal Court and the draft optional protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights;

2. *Requests* all parties to the conflict to respect their obligations under international humanitarian laws;

3. Requests the Secretary-General to submit a report on the situation of human rights in the Republic of the Congo to the Commission on Human Rights and the Sub-Commission at their next sessions;

4. Recommends that the Commission consider the situation of human rights in the Republic of the Congo at its next session;

5. Decides, if the Commission is unable to do so, to continue consideration of the question at its fifty-second session under the same agenda item.

24th meeting
20 August 1999
[Adopted by secret ballot by 20 votes to 3,
with 2 abstentions. See chap. IV.]

1999/2. Question of the violation of human rights and fundamental freedoms in all countries

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling that, in accordance with Article 56 of the Charter of the United Nations all Member States have pledged themselves to take joint and separate action, in cooperation with the Organization, for the achievement of the purposes set forth in Article 55, in particular, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Bearing in mind the violations of the norms and standards of international human rights law that have occurred and continue to occur in various countries and territories, as well as the military operations launched by a group of Member States with the declared purpose of ending these types of violation,

Recalling the obligation assumed by all Members of the United Nations to be guided in their international actions by the strict observance of all the principles set forth in Article 2 of the Charter,

Convinced, in the light of the present international situation, of the growing need to achieve international cooperation in solving international problems of a humanitarian character, as established in Article 1, paragraph 3, of the Charter of the United Nations,

Stressing the importance of the provisions contained in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992, Deeply concerned at the intensified efforts to develop the concept of an alleged "duty" or "right" of certain States to carry out "humanitarian interventions", including through armed force, in situations unilaterally identified by themselves, as well as at the military operations undertaken using such justification, which have caused heavy loss of life among the civilian population and immense damage to civilian facilities,

Bearing in mind the provisions of the various Articles of the Charter which establish the respective functions and powers of and limitations to the actions of the Security Council, the General Assembly, and the Economic and Social Council in matters relating to the solution of international humanitarian problems, the use of armed force and other enforcement measures, as well as all possible actions to be taken to maintain or restore international peace and security, in particular Articles 3, paragraph 1 (b), 12, 24, paragraph 2, 39, 41, 51, 52, paragraph 1, 53, 60, 62, paragraph 2, and 83,

Taking into account that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling that Members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security,

1. Expresses its firmest conviction that the so-called "duty" and "right" to carry out "humanitarian intervention", in particular by means of the threat or use of force, is juridically totally unfounded under current general international law and consequently cannot be considered as a justification for violations of the principles enshrined in Article 2 of the Charter of the United Nations;

2. Calls upon all States to step up their efforts to achieve international cooperation in the search for peaceful solutions to international humanitarian problems and to comply strictly, in their actions towards that purpose, with the basic principles and norms of current general international law and other pertinent norms and standards of international human rights law and international humanitarian law, in particular those governing the functioning of the main United Nations bodies, accountability for war crimes, the realization and protection of the rights of national or ethnic minorities, and the protection of the civilian population and civilian installations in cases of military operations.

25th meeting
20 August 1999
[Adopted by secret ballot by 15 votes to 7,
with 3 abstentions. See chap. IV.]

1999/3. Violations of the rights of human rights defenders in all countries

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and all the international human rights instruments,

Recalling its task to report to the Commission on Human Rights on situations of grave violations of human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,

Welcoming the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms by the General Assembly on 9 December 1998,

Recalling that the Declaration states that each State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action, and that individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes,

Considering that effective measures should be taken to ensure respect for this Declaration,

Recalling also its resolution 1998/3 of 20 August 1998 on violations of the rights of human rights defenders in all countries,

Welcoming the note by the secretariat (E/CN.4/Sub.2/1999/4 and Add.1 and 2) providing information on the security situation of the persons listed in the annex to resolution 1998/3, submitted in accordance with paragraph 5 of that resolution,

Expressing its gratitude to the Governments concerned for their willingness to respond to the request for information pursuant to resolution 1998/3,

Recalling Commission on Human Rights resolution 1999/16 of 23 April 1999 on cooperation with representatives of United Nations human rights bodies,

Recalling also its resolution 1995/25 of 24 August 1995 on the protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action as a consequence of the legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights, *Noting with deep concern* that, in many countries, in contradiction of the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threats, harassment and insecurity,

Deeply concerned at the increasing number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been persecuted, either by being arrested, convicted or imprisoned, or by becoming the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or through threat of suppression or actual suppression of the legal personality of the organization to which they belong,

1. *Urges* each State to take any measures necessary within its jurisdiction to ensure the effective respect of its obligations in the field of human rights, in accordance with the provisions of various international instruments, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and to guarantee to individuals, groups, associations, organizations and organs of society the necessary conditions to exercise fully their activities in favour of the recognition, promotion and defence of human rights;

2. *Urges* each State to take any measures necessary within its own jurisdiction to ensure the security of all persons covered by the Declaration who are being repressed, harassed or threatened anywhere in the world;

3. *Strongly condemns* the murders of the following persons, by whomsoever committed, and calls upon the Governments concerned to carry out thorough investigations to identify the perpetrators and to bring them to justice:

Jaime Garzón, journalist and humanitarian activist, on 13 August 1999 in Bogota, Colombia;

Everardo de Jesus Puerta and Julio Ernesto Gonzales, members of the Comite de Solidaridad con los Presos Politicos, on 31 January 1999 in the suburbs of San Luis, Colombia;

Ingrid Washinawakatok, Lahe'ena Gay and Terence Freitas, human rights activists, seized by armed men of the guerrilla movement Fuerzas Armadas Revolucionarias de Colombia, on 25 February 1999 in Colombia and found murdered on 4 March over the border in Venezuela;

Saul Filormo Canar Pauta, Secretary and executive member of the cooperative movement Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores, kidnapped on 26 November 1998 in Quito and found murdered on 3 December 1998 in Latacunga, Ecuador;

Rolando Duarte and Jose Alfredo Chacon Ramirez, in 1998, both members of the Workers Syndicate of the municipality of Zacapa, Guatemala;

Mohammad Mokhtari, kidnapped on 3 December 1998 and found murdered on 9 December 1998 in the suburbs of Tehran, and Javad Pounyandeh, kidnapped on 9 December 1998 and founded murdered on 12 December 1998 in the suburbs of Tehran, both writers and members of the Association of Iranian Writers and Poets;

Neelan Thiruchelvam, constitutional lawyer and member of the Tamil United Liberation Front, assassinated on 29 July 1999 in Sri Lanka by a suicide bomber probably belonging to a terrorist group;

Bajram Kelmendi, lawyer and member of the Council for the Defence of Human Rights and Freedoms, Pristina, kidnapped on 25 March 1999 in Pristina and found murdered on 26 March 1999 near Kosovo Polje;

Rosemary Nelson, lawyer and member of the Executive Council of the Committee on the Administration of Justice, murdered on 15 March 1999 near Lurgan, Northern Ireland;

4. Calls upon the Governments concerned to ensure that crimes committed against human rights defenders do not go unpunished, to allow and facilitate all necessary inquiry and to ensure judgement by a civil tribunal and punishment of the perpetrators, as well as compensation of the families of the victims, including for killings which occurred a long time ago, as recommended by the Special Rapporteur on the independence of judges and lawyers;

5. Requests the Government of Myanmar to ensure the security of Aung San Suu Kyi and the members of the National League for Democracy, and in particular to guarantee their freedom of movement and expression, and urges the Government to invite the Special Rapporteur on the situation of human rights in Myanmar to visit its territory;

6. Requests the United Nations High Commissioner for Human Rights to undertake inquiries about the security of the persons listed in the annex to the present resolution and to inform the Sub-Commission, at its fifty-second session, of the results of her inquiries;

7. Requests the High Commissioner to transmit the present resolution to all States;

8. Decides to remain seized of the question of violations of the rights of human rights defenders at its fifty-second session.

ANNEX

List of persons whose security situation the High Commissioner is requested to make inquiries into

Mrs. Radhia Nasraoui	Lawyer, member of the Tunisian League for Human Rights
Mrs. Flora Brovina	Kosovar human rights defender

Mr. Mehmet Eren	Reporter for Hevi, Turkey
Mr. Nizar Nayyouf	Leading member of the Independent Committees for the Defence of Democratic Freedoms and Human Rights in the Syrian Arab Republic
Mr. Kim Sen and Mr. Meas Minear	Members of the Cambodian League for the Promotion and Defence of Human Rights (LICADHO)
Mr. Nestor Tengue, Mr. François Gayibor and Mr. Brice Santanna	Members of the Togo Human Rights Association
Mr. Keith Goddard	Programme Coordinator and co-founder of Gays and Lesbians of Zimbabwe (GALZ)
Mr. Floribert Chebeya	President of Voix des sans voix, Democratic Republic of the Congo

25th meeting
20 August 1999
[Adopted by secret ballot by 18 votes to 6,
with 1 abstention. See chap. IV.]

1999/4. The death penalty, particularly in relation to juvenile offenders

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming the development towards the abolition of the death penalty generally, as reflected in article 6, paragraph 2, of the International Covenant on Civil and Political Rights and in the Second Optional Protocol thereto, aiming at the abolition of the death penalty, Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 4, paragraphs 2 and 3 of the American Convention on Human Rights and the Protocol to the American Convention to Abolish the Death Penalty,

Recalling Commission on Human Rights resolutions 1998/8 and 1999/61, in which the Commission expressed the conviction that abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights,

Noting that the death penalty is often imposed after trials which do not conform to international standards of fairness and that members of racial, national or ethnic minorities appear to be disproportionately subject to the death penalty, Recalling the view of the Commission on Human Rights that the death penalty should not be imposed on or carried out against a person suffering from any form of mental disorder,

Welcoming the tendency in retentionist States to restrict the number of crimes carrying a possible death sentence,

Welcoming also the fact that many countries, whilst retaining the death penalty in their penal legislation, are applying a moratorium on executions,

Reaffirming the prohibition of the imposition of the death penalty on those aged under 18 at the time of the commission of the offence, as enshrined in article 6, paragraph 5, of the International Covenant on Civil and Political Rights, article 37 (a) of the Convention on the Rights of the Child, article 5, paragraph 3, of the African Charter on the Rights and Welfare of the Child, article 77, paragraph 5, of Protocol I and article 6, paragraph 4, of Protocol II Additional to the Geneva Conventions of 12 August 1949,

Noting documented information according to which, since 1990, 19 executions of juvenile offenders have taken place worldwide in six countries: the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America and Yemen, of which 10 occurred in the United States, and that, in 1998, only the United States of America is known to have executed juvenile offenders,

1. Condemns unequivocally the imposition and execution of the death penalty on those aged under 18 at the time of the commission of the offence;

2. Calls upon all States that retain the death penalty for juvenile offenders to commit themselves to abolishing the death penalty for those aged under 18 at the time of the commission of the offence;

3. Calls upon all States that retain the death penalty especially for refusal to undertake military service or for desertion not to apply the death penalty where the refusal to undertake military service or the desertion is the result of conscientious objection to such service;

4. Calls upon all States which retain the death penalty and do not apply a moratorium on executions, in order to mark the millennium, to commute the sentences of those under sentence of death on 31 December 1999 at least to sentences of life imprisonment and to commit themselves to a moratorium on the imposition of the death penalty throughout the year 2000;

5. Requests the Commission on Human Rights to reaffirm its resolution 1999/61 at its fifty-sixth session;

6. Requests the Secretary-General to report to the Sub-Commission at its fifty-second session on the number of executions of juveniles carried out between the adoption of the present resolution and the start of the next session of the Sub-Commission and on the number of executions generally carried out in the same period;

7. Decides to continue consideration of the matter at its fifty-second session under the same agenda item.

30th meeting
24 August 1999
[Adopted by secret ballot by 14 votes to 5, with 5 abstentions. See chap. IV.]

1999/5. Continuing of obligations under international human rights treaties

The Sub-Commission on the Promotion and Protection of Human Rights,

Affirming the human rights principles set forth and elaborated in the International Bill of Human Rights and recognizing the responsibility of all nations to promote and protect the human rights of all peoples,

Recognizing that the growing body of international human rights law represents a significant advance in the field of human rights,

Recognizing also that, as Governments decide to ratify human rights treaties and implement the standards set forth therein, an important progression is made towards the universal promotion and protection of human rights,

Recalling the principles established by the Vienna Convention on the Law of Treaties,

Acknowledging article 12 of the Optional Protocol to the International Covenant on Civil and Political Rights,

Recalling Commission resolutions 1998/9, 1998/10, 1999/25, 1999/41 and 1999/78, in which the Commission encouraged all Governments to ratify the International Covenants on Human Rights and other human rights treaties,

Guided by general comment 26 of the Human Rights Committee, in which the Committee noted that international law does not permit a State which has ratified or acceded or succeeded to the International Covenant on Civil and Political Rights to denounce it or withdraw from it,

Concerned that some States have chosen to openly defy, disregard or otherwise ignore the recommendations made to them by international and regional human rights treaty monitoring bodies, Recognizing that withdrawal from a human rights mechanism may or may not be unlawful under the treaty in question, but noting that in practice it has only occurred following a determination of violation of the relevant treaty commitment by the mechanism in question,

Concerned at recent attempts by a few States parties to withdraw from part or all of their obligations under international human rights treaties,

Noting that the Government of the Democratic People's Republic of Korea has taken steps with the intention of withdrawing from its international human rights obligations under the International Covenant on Civil and Political Rights, but welcoming the decision of the Democratic People's Republic of Korea to submit its second periodic report to the Human Rights Committee and encouraging the authorities to continue with this initiative,

Noting also that the Government of Jamaica has withdrawn from the Optional Protocol to the International Covenant on Civil and Political Rights,

Noting further that the Governments of Guyana and Trinidad and Tobago have denounced their obligations under the Optional Protocol to the International Covenant on Civil and Political Rights, but that they have re-acceded to that treaty, subject to new reservations limiting the application of the Optional Protocol so as to exclude persons who have been sentenced to death,

Noting that the Government of Trinidad and Tobago has withdrawn from its obligations under the American Convention on Human Rights,

Aware that the Government of Peru has sought to withdraw from the jurisdiction of the Inter-American Court of Human Rights,

Convinced that such attempts to withdraw from, or otherwise to modify the scope of obligations under, international human rights treaties and monitoring mechanisms seriously weaken the international effort towards the promotion and protection of human rights in all parts of the world,

1. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other international and regional human rights treaties,

2. Encourages the full participation of all Member States in the United Nations human rights system, as well as in the regional human rights systems in their respective regions,

3. Invites all States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights,

4. Encourages the Government of the Democratic People's Republic of Korea to continue to assume its international human rights obligations under the International Covenant on Civil and Political Rights, as it has done in announcing that it will soon present its second periodic report to the Human Rights Committee;

5. Urges the Government of Jamaica to re-accede to the Optional Protocol to the International Covenant on Civil and Political Rights;

6. Urges the Governments of Guyana and Trinidad and Tobago to accept the jurisdiction of the Human Rights Committee under the Optional Protocol with regard to all claims of violation of the International Covenant on Civil and Political Rights, and looks forward to the decision of the Human Rights Committee, which will consider whether the reservations made by Guyana and Trinidad and Tobago are consistent with their broader treaty obligations;

7. Urges the Government of Trinidad and Tobago to resume its obligations under the American Convention on Human Rights;

8. Urges the Government of Peru to continue to accept the jurisdiction of the Inter-American Court of Human Rights;

9. Requests the Secretary-General to submit a report on the status of withdrawals and reservations with regard to international human rights treaties to the Commission on Human Rights and the Sub-Commission;

10. Decides:

(a) To recommend that the Commission on Human Rights consider the implications of withdrawal from, or limitation of the scope of, international treaty obligations at its next session under agenda item 17 of the provisional agenda on the promotion and protection of human rights;

(b) To continue consideration of this question at its fifty-second session under the same agenda item.

31st meeting
25 August 1999
[Adopted by secret ballot by 17 votes to 7, with 1 abstention. See chap. IV.]

1999/6. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind the principles, standards and norms embodied in international instruments relating to the promotion and protection of human rights and particularly the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the objectives set forth in the Charter of the United Nations on achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination or distinction as to race, sex, language or religion,

Reaffirming also its conviction that racism, racial discrimination and xenophobia fundamentally undermine the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and its firm determination and commitment to eradicate racial discrimination totally and unconditionally,

Noting that racism, racial discrimination, xenophobia and related intolerance exist in many parts of the world,

Noting also that in its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the General Assembly set as one of the main objectives of the Conference review of the political, historical, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance,

Concerned by the phenomenon of globalization, accompanied by concentration of wealth, on the one hand, and marginalization and exclusion, on the other, and its effects on the right to development and on living standards, and by the increase in the phenomena of racism, racial discrimination, xenophobia and related intolerance,

Sharing the grave concern of the Commission on Human Rights, expressed in resolution 1998/26 of 17 April 1998, that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and racist acts of violence are on the increase,

Conscious that the World Conference should carefully consider the complicated interplay of discrimination based on race and discrimination based on gender and other grounds, as well as economic marginalization and social exclusion, Noting that the preparatory process for the World Conference would include Preparatory Committee meetings for a period of five working days immediately after the annual sessions of the Commission on Human Rights in the years 2000 and 2001,

Taking note of the report of the sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN 4/1999/16),

Encouraging the effective participation of non-governmental organizations in the preparatory process for the World Conference,

Recognizing the positive contribution of regional organizations in past world conferences,

Noting that in resolution 1998/26 the Commission invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission at its fifty-fifth session and, through the Commission, to the Preparatory Committee,

Welcoming the cooperation between the Committee on the Elimination of Racial Discrimination and the Sub-Commission on their joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN 4/Sub 2/1998/4),

Welcoming the work thus far in preparation for the World Conference, including

(a) Commission decision 1999/107 of 27 April 1999 in which, noting Sub-Commission resolution 1998/5 of 20 August 1998, it endorsed the Sub-Commission's decision to appoint Mr Marc Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action based on his working paper (E/CN 4/Sub 2/1998/5),

(b) The working paper prepared by Mr David Weissbrodt on the rights of non-citizens (E/CN 4/Sub 2/1999/7 and Add 1),

(c) The working paper prepared by Mr J Oloka-Onyango on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN 4/Sub 2/1999/8),

(d) The oral presentation by Mr Paulo Sergio Pinheiro on proposals for the work of the World Conference to be considered by the Sub-Commission at its fifty-first session, and looking forward to his working paper which will be available to the Preparatory Committee at its first session,

1. Declares that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from doctrines and practices of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all lawful means;

2. Affirms the definition of racial discrimination articulated in the International Convention on the Elimination of All Forms of Racial Discrimination as broadened with respect to non-citizens by the International Covenant on Civil and Political Rights;

3. Commends all States that have ratified or acceded to the international instruments which, inter alia, combat racism and racial discrimination and invites all States that have not yet done so to ratify or accede to them as soon as possible;

4. Encourages educational institutions, non-governmental organizations and the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

5. Considers that substantial voluntary contributions to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination are indispensable to the implementation of the Programme of Action for the Third Decade;

6. Regrets the continued lack of interest, support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade, and calls upon all Governments, United Nations bodies, specialized agencies and interested non-governmental organizations to contribute fully to the implementation of the Programme of Action;

7. Recommends that the studies undertaken by the Sub-Commission in response to the suggestions from the Committee on the Elimination of Racial Discrimination (E/CN.4/Sub.2/1997/31, annex) be used in the preparatory process and at the World Conference itself;

8. Decides to carry out further studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit recommendations for studies to the Commission at its fifty-sixth session and, through the Commission, to the Preparatory Committee;

9. Welcomes the positive contributions of regional organizations at past world conferences, and also welcomes the endorsement of the World Conference by the Organization of American States and the preparatory meeting and activities regarding the World Conference undertaken by the Council of Europe;

10. Calls upon the United Nations High Commissioner for Human Rights to take the necessary steps to advance the regional preparatory processes;

11. Encourages national preparatory meetings regarding the World Conference;

12. Expresses its sincere gratitude to the Inter-American Institute of Human Rights for its decision to host the regional preparatory committee for the Western Hemisphere in San José, Costa Rica;

13. Recommends to the Preparatory Committee that the World Conference devote considerable attention to the overall themes of equality and diversity in an effort to combat racism, racial discrimination, xenophobia and related intolerance;

14. Also recommends that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance play an integral role in all processes regarding the World Conference;

15. Requests the Secretary-General to provide for the participation of Mr. Paulo Sergio Pinheiro in the Preparatory Committee for the World Conference as representative of the Sub-Commission;

16. Suggests that the World Conference focus, inter alia, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination that are based on race, colour, descent, national or ethnic origin or gender, as well as on the topics of:

(a) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas;

(b) The impact of economic globalization on racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(c) The treatment of migrants, refugees, asylum seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(d) The prevention of racial discrimination, including early warning and urgent procedures, as well as the accountability of non-State actors;

(e) The prevention of racial discrimination through education and labour regulation;

(f) Remedies, redress mechanisms and reparations for racial discrimination, including affirmative action, and compensation for victims and descendants of victims of racism;

(g) International mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development, as well as reservations to the Convention;

(h) Combating hate speech and promoting tolerance in the digital age;

(i) The implications of multiple identities (race, colour, descent, minority, national or ethnic origin, gender);

(j) Means to be applied to protect the rights of indigenous peoples;

17. Recommends that the World Conference prepare a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related forms of intolerance;

18. Also recommends that the World Conference define a global and system-wide strategy to combat racism and racial discrimination which could lead to concrete results for the populations affected;

19. Decides to discuss the World Conference further at its fifty-second session.

31st meeting
25 August 1999
[Adopted without a vote. See chap. V.]

1999/7. The rights of non-citizens

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

Reiterating the principle of equality and non-discrimination embodied in, inter alia, Article 1, paragraph 3, of the Charter of the United Nations, article 2, paragraph 1, of the Universal Declaration of Human Rights, article 2, paragraph 1, of the International Covenant on Civil and Political Rights and article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights,

Reiterating also that States are required to secure the human rights of all persons within their jurisdictions,

Recalling Commission on Human Rights resolutions 1996/25, 1997/22 and 1998/28 in which the Commission called upon the Sub-Commission and its members further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies,

Recalling also that the Committee on the Elimination of Racial Discrimination, at its fiftieth session, decided to propose to the Sub-Commission nine topics for the preparation of studies, including the rights of non-citizens, *Recalling further* Sub-Commission decision 1998/103 of 20 August 1998 on the rights of non-citizens,

Concerned that discrimination against persons who are not citizens of the country in which they reside has continued despite national and international efforts,

Concerned also that discriminatory practices against non-citizens demonstrate the absence of effective standards regarding the rights of individuals who are not citizens of the country in which they live,

Recalling the study entitled "The problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live" prepared by Baroness Elles and submitted to the Sub-Commission in 1976 that resulted in the 1985 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Noting the developments that have occurred since the adoption of the Declaration in 1985, including the developing interpretations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as the concerns regarding distinctions between different categories of non-citizens,

Welcoming the note on the rights of non-citizens submitted to the Committee on the Elimination of Racial Discrimination by Mr. T. van Boven (CERD/C/55/Misc.29),

Aware of the working paper on citizenship and the minority rights of non-citizens prepared by Mr. Asbjørn Eide for the Working Group on Minorities (E/CN.4/Sub.2/AC.5/1999/WP.3),

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination and the Sub-Commission on this and other topics of mutual interest,

1. *Encourages* States to abide by the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live;

2. *Recommends* that the rights of non-citizens be explicitly addressed during the upcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

3. *Takes note* of the working paper submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1) and endorses the conclusions contained therein, including with regard to the importance of undertaking an updated study on the rights of non-citizens;

4 Recommends the following draft decision to the Commission on Human Rights for adoption

[For the text, see chap I, draft decision 1]

32nd meeting
25 August 1999
[Adopted without a vote See chap V]

1999/8 Globalization and its impact on the full enjoyment of all human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming the standards embodied in the international instruments relating to the guarantee of human rights and in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Expressing the need to achieve international cooperation in promoting and encouraging respect for human rights for all without distinction,

Realizing that the phenomenon of globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have significant impacts on the full enjoyment of all human rights,

Mindful of Commission on Human Rights resolutions 1999/81, 1998/28, 1997/22 and 1996/25, in which the Commission called upon the Sub-Commission and its members further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies,

Noting Commission on Human Rights resolution 1999/59 in which the Commission requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission, on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session,

1 Expresses its appreciation to Mr J Oloka-Onyango for his working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN 4/Sub 2/1999/8),

2 Also expresses its appreciation to Mr Oloka-Onyango and Ms Deepika Udagama for their working paper on human rights as the primary objective of international trade, investment and finance policy and practice (E/CN 4/Sub 2/1999/11),

3. *Decides*, in response to the request from the Commission, and since this subject requires careful and comprehensive inquiry, to appoint Mr. Oloka-Onyango and Ms. Udagama as Special Rapporteurs with the task of preparing a study on the issue of globalization and its impact on the full enjoyment of all human rights, and requests the Special Rapporteurs to submit a preliminary report to the Sub-Commission at its fifty-second session;

4. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 2.]

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VI.]

1999/9. Follow-up to resolution 1996/22 and decision 1998/105 on the right to development

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the Declaration on the Right to Development, adopted by the General Assembly at its forty-first session, which states clearly that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, and that, while all States should contribute through international cooperation to promote the economic, social and cultural rights of all peoples, States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development,

Deeply concerned that the number of people living in poverty worldwide has grown to more than one and a half billion, over ninety per cent of whom eke out a miserable life in the developing countries, with a per capita income of less than one United States dollar per day,

Welcoming the decision of the General Assembly to proclaim the United Nations Decade for the Eradication of Poverty (1997-2006),

Noting with great appreciation Commission on Human Rights resolution 1996/15 of 11 April 1996, entitled "The right to development", and the work accomplished by the Working Group on the Right to Development,

Noting that the international cooperation conducive to development advocated in the Declaration on the Right to Development has not made much headway since the adoption of the Declaration by the General Assembly in December 1986, Recalling Sub-Commission resolution 1996/22, in which it decided to continue consideration of questions relating to the realization of the right to development annually, as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights"

Having considered, at its fifty-first session, questions relating to the realization of the right to development under agenda item 4,

1 Takes note and expresses its sincere appreciation of the report of the Secretary-General submitted in accordance with Sub-Commission decision 1998/105 (E/CN 4/Sub 2/1999/30), transmitting information from six United Nations bodies and agencies relating to the realization of the right to development,

2 Expresses its thanks to the six bodies and agencies, the United Nations Centre for Human Settlements (Habitat), the Economic Commission for Latin America and the Caribbean, the International Trade Centre, the United Nations Institute for Disarmament Research, the World Health Organization and the International Maritime Organization, for their initial inputs transmitted to the Sub-Commission by the Secretary-General,

3 Reaffirms that progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

4 Urges all States Members of the United Nations to strengthen international cooperation for promoting the realization of the right to development, as emphasized by the General Assembly in the Declaration on the Right to Development and as reaffirmed by the World Conference on Human Rights,

5 Requests the Secretary-General, once again

(a) To invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Eradication of Poverty (1997-2006) and to provide him with information thereon,

(b) To transmit annually to the Sub-Commission the information received

32nd meeting
25 August 1999
[Adopted without a vote See chap VI]

1999/10. The Social Forum

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Recalling also the reports on the realization of economic, social and cultural rights submitted by many special rapporteurs to the Sub-Commission and the Commission on Human Rights, in particular those submitted by Mr. Danilo Türk, Mr. Asbjørn Eide, Mr. Mustapha Mehedi, Mr. Leandro Despouy and Mr. El Hadji Guissé, and Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama, as well as many other important studies in this field, and the study on income distribution submitted by Mr. José Bengoa,

Noting Commission on Human Rights resolution 1999/53 on the establishment of a forum on economic, social and cultural rights, to be called the Social Forum,

1. Decides to hold a forum on economic, social and cultural rights, to be known as the Social Forum, for three days during the fifty-second session of the Sub-Commission with the following agenda and participants:

(a) Agenda (Commission on Human Rights resolution 1999/53):

1. Exchange of information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization;

2. Follow-up on the relationship between income distribution, the feminization of poverty and human rights at both the international and national levels;

3. Follow-up on situations of poverty and destitution in the world;

4. Analysis and discussion of possible guidelines on violations of economic, social and cultural rights;

5. Proposing of legal standards and initiatives, guidelines and other recommendations to be considered by the Commission, the open-ended working group on the right to development established by the Commission at its fifty-fourth session, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other entities of the United Nations system;

(b) Participants

(i) Members of the Sub-Commission.

(ii) Government observers,

(iii) Intergovernmental organizations.

(iv) Non-governmental organizations in consultative status

(v) International cooperation agencies,*

(vi) Financial institutions, transnational corporations and other private international enterprises.*

(vii) International labour associations and organizations.*

2. Requests the Office of the United Nations High Commissioner for Human Rights to assemble a report including recent documents and studies on economic, social and cultural rights.

3. Requests the High Commissioner to send invitations to all the possible participants in the Social Forum, publish the purpose of this meeting, send to possible participants an agenda and other information necessary for the holding of this inaugural session.

4. Suggests that at the inaugural session of the Social Forum special importance should be paid to discussion of extreme poverty and human rights and requests the secretariat to prepare for item 3 of the proposed agenda in advance by requesting possible participants to share their experiences and constructive studies on this question.

5. Requests the Commission on Human Rights to endorse the holding of a Social Forum during the fifty-second session of the Sub-Commission and to approve all secretariat facilities for the preparation and servicing of the event

32nd meeting
25 August 1999
[Adopted without a vote See chap VI.]

---

* With special status from the United Nations in order to enable them to address the Social Forum

1999/11 The realization of the right to education, including education in human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1997/7 of 22 August 1997, in which it requested Mr. Mustapha Mehedi to prepare, without incurring financial obligations, a working paper on the right to education, its purpose being to explain the content of the right to education, taking account, in particular, of its social dimensions and the freedoms it includes, and of its dual civil and political rights and economic, social and cultural rights character, and to identify ways and means of promoting human rights education,

Recalling also its resolution 1998/11 of 20 August 1998, in which, taking note with satisfaction of the interest shown by the United Nations Educational, Scientific and Cultural Organization during the discussion on the working paper submitted by Mr. Mehedi (E/CN.4/Sub.2/1998/10), it requested Mr. Mehedi to prepare, without financial obligations, a more detailed working paper on the question,

Recalling further Commission on Human Rights resolution 1998/33 of 17 April 1998, in which the Commission decided to appoint a special rapporteur on the right to education, whose mandate would include, inter alia, coordination and complementarity with the work of Mr. Mehedi,

1. *Takes note* of the working paper submitted by Mr. Mehedi (E/CN.4/Sub.2/1999/10);

2. *Decides* to continue its consideration of this question and to request Mr. Mehedi to prepare, without financial obligations, a final paper and to submit it to the Sub-Commission at its fifty-second session.

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VI.]

1999/12 The right to adequate food and to be free from hunger

The Sub-Commission on the Promotion and Protection of Human Rights,

Acknowledging that the right to food forms part of the broader right to an adequate standard of living and that the ultimate purpose of promoting the right to adequate food is to secure nutritional well-being for a healthy and productive life for every individual, the full realization of which depends also on parallel achievements in the enjoyment of the rights to health, to care for the vulnerable and to education, Mindful that stable access to a safe and nutritious diet throughout the life cycle is a prerequisite for human beings fully to develop and maintain their physical and mental capacities and that the long-term effects of early malnutrition may have lifelong effects on an individual's health and susceptibility to disease,

Noting the global nature of the food problem and concerned at the unknown consequences for future food supply and access to adequate food of some aspects of globalization,

Recalling Sub-Commission resolution 1996/25, in which it appealed, through the Commission on Human Rights, to the world's leaders who were to assemble in Rome for the World Food Summit later that year, that they reaffirm the fundamental right of everyone to be free from hunger and propose ways in which the right to food could be further clarified and implemented,

Recalling the Plan of Action of the World Food Summit held in Rome in November 1996, in which the United Nations High Commissioner for Human Rights was requested, in consultation with relevant treaty bodies and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, as well as non-governmental organizations, to define better the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all,

Recalling also Commission on Human Rights resolution 1997/8, in which the Commission endorsed the request made by the World Food Summit, and Commission resolutions 1998/23 and 1999/24, in which it welcomed the various initiatives taken by the Office of the United Nations High Commissioner for Human Rights and invited the Committee on Economic, Social and Cultural Rights to draft and adopt a general comment as a contribution to the clarification of the content of the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights,

Noting the reports of the consultations on this topic organized by the High Commissioner, the first held in Geneva in December 1997 (E/CN.4/1998/21) and the second held in Rome in November 1998, co-hosted by the Food and Agriculture Organization of the United Nations (E/CN.4/1999/45),

Noting also the holding of a symposium, hosted by the High Commissioner and co-organized by the Sub-Committee on Nutrition of the Administrative Committee on Coordination, in Geneva on 12 and 13 April 1999, entitled "The substance and politics of a human rights approach to food and nutrition policies and programmes", which demonstrated a high-level commitment to the right to adequate food and nutrition among relevant United Nations bodies, Noting with appreciation the adoption by the Committee on Economic, Social and Cultural Rights, on 12 May 1999, of general comment No. 12 on the right to adequate food (article 11 of the Covenant on Economic, Social and Cultural Rights) (E/C.12/1999/5),

Recalling Sub-Commission decision 1997/108, in which it requested Mr. Asbjørn Eide to update his study on the right to food, submitted in 1987 and published in 1989, and that Mr. Eide submitted a progress report (E/CN.4/Sub.2/1998/9) to the Sub-Commission at its fiftieth session,

Noting with interest the proposal by the Committee on Economic, Social and Cultural Rights for the adoption of an optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), which might contribute to more effective implementation inter alia of the right to adequate food, and endorsing the request made in Commission resolution 1999/25 to the High Commissioner to urge all States to submit their comments on the report by the Committee on Economic, Social and Cultural Rights regarding the draft optional protocol,

Welcoming the updated study by Mr. Eide on the right to food (E/CN.4/Sub.2/1999/12),

1. Expresses its deep satisfaction to Mr. Eide for his updated study on the right to food and expresses its gratitude for the efforts that he has devoted to this subject over a long period;

2. Expresses its appreciation to the participants at the High Commissioner's consultations and to representatives of both human rights and development bodies of the United Nations system, as well as to non-governmental organizations and individuals, for the assistance extended to Mr. Eide in his work of updating his study;

3. Welcomes the recommendations contained in the updated study on the right to food;

4. Endorses in particular the recommendation to the High Commissioner for Human Rights to ensure, through various measures, a continued follow-up of the evolving process to identify the steps needed to implement the rights of all to adequate food and to be free from hunger, drawing up a coherent United Nations strategy for this purpose which could also serve as a model for how to approach economic, social and cultural rights more generally;

5. Also endorses the recommendation to States to elaborate national strategies for the realization for everyone within their territory of the rights to adequate food and to be free from hunger, including the elaboration of framework legislation as proposed in general comment No. 12 of the Committee on Economic, Social and Cultural Rights;

6. Endorses specifically the recommendation that the High Commissioner should organize a third expert consultation, following those held in 1997 and 1998, this time with a focus on implementation mechanisms at the country level, inviting government experts to bring experiences from their countries as a contribution to the operationalization at the national level of the right to food, including the drawing up of a framework law;

7. Also endorses the recommendations that the High Commissioner organize a consultation involving representatives of the treaty bodies and relevant agencies and humanitarian organizations, and the international financial and trade institutions, to enhance dialogue and encourage consultations on a regular basis and to prevent activities which would cause a further deterioration in the enjoyment of the right to adequate food, taking into account general comment No. 12 of the Committee on Economic, Social and Cultural Rights and the working paper by Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama on human rights as the primary objective of international trade, investment and finance policy and practice (E/CN.4/Sub.2/1999/11);

8. Requests the Commission on Human Rights to endorse the conclusions and recommendations contained in the updated study;

9. Expresses the wish that the updated study be published by the United Nations in all the official languages and widely distributed;

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 4.]

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VI.]

1999/13. Traditional practices affecting the health of women and the girl child

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1998/16 of 21 August 1998,

Affirming once again that female genital mutilation is a cultural practice which profoundly affects the physical and mental health of the girl child and of the women who are its victims,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Emphasizing the centrality of the Plan of Action adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) to the elimination of harmful traditional practices and the relevance of the conclusions reached at the regional seminars held in Burkina Faso (E/CN.4/Sub.2/1991/48) and Sri Lanka (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1), Deeply regretting that the Special Rapporteur is encountering serious difficulties in performing her important task because of the absence of replies from numerous Governments concerned by harmful traditional practices on measures taken to implement the Plan of Action for the Elimination of Harmful Traditional Practices,

Recalling that the Sub-Commission took the lead in considering and combating harmful traditional practices,

Noting with satisfaction General Assembly resolution 53/117 on traditional or customary practices affecting the health of women and girls,

Strongly encouraging the specialized agencies and organs of the United Nations, in particular the United Nations Children's Fund, the United Nations Population Fund and the World Health Organization, to continue to devote particular attention to the question of harmful traditional practices affecting the health of women and girls, particularly in the context of their regional and national programmes,

Expressing its satisfaction to national and international non-governmental organizations for the numerous activities they are undertaking in the field to develop the awareness of the populations concerned with a view to the eradication of harmful traditional practices such as female genital mutilation,

Considering that efforts to combat harmful traditional practices should be continued through, *inter alia*, further development of the awareness of Governments and all national protagonists concerned by these practices,

1. *Takes note with satisfaction* of the third report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/1999/14) submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the absence of information on harmful traditional practices, in particular practices other than female genital mutilation, and on measures taken to eradicate them,

2. *Appeals* to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of female genital mutilation, in particular through education, information and training, in order to achieve the total eradication of this practice,

3. *Requests* all non-governmental organizations dealing with women's issues to devote part of their activities to the study of the various harmful traditional practices and ways and means of eradicating them, and to inform the Special Rapporteur of any situation which merits the attention of the international community,

4. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee, which should be given maximum encouragement,

5. Appeals to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of this cultural practice which is harmful to girl children and women;

6. Calls upon all Governments to give their full attention to the implementation of the Plan of Action and requests the Secretary-General to invite them to submit information regularly to the Sub-Commission on the situation regarding harmful traditional practices in their country;

7. Considers that one of the most effective means of developing the awareness of the Governments concerned regarding the problems of harmful traditional practices and appropriate solutions would be to organize regional seminars on the question, as well as visits in situ;

8. Proposes that three seminars be held, in Africa, Asia and Europe, in order to review progress achieved since 1985 and ways and means of overcoming the obstacles encountered in the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices;

9. Decides to continue consideration of the question at its fifty-second session, under the same agenda item.

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VII.]

1999/14. The situation of women and girls in Afghanistan

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1998/17,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/Sub.2/1999/13) containing substantive information and recommendations,

Recalling that Afghanistan is a party to the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,

Noting with deep concern the numerous restrictions imposed by the Taliban on women since 1995, restrictions which constitute massive and flagrant violations of the provisions of the above-mentioned international instruments, Welcoming the unequivocal position of the Commission on Human Rights, which, in its resolution 1999/9 on the situation of human rights in Afghanistan, expressed its deep concern about the seriousness of the situation of women and girls in Afghanistan, in particular in the areas under the control of the Taliban movement, but noting that the Commission has not fully dealt with the concerns expressed in the present resolution,

1. Condemns all forms of discrimination and violation of the most fundamental rights of women and girls who are deprived of the enjoyment of civil and political rights and the rights to health, employment, freedom of movement and security;

2. Notes, in particular, with concern that the access of girls to education is, according to the Office of the United Nations High Commissioner for Refugees, forbidden in most regions of the country and that two million girls have never been to school;

3. Notes in this connection that this situation is totally at variance with the precepts of Islam, which imposes on Muslims the duty to acquire an education, as a number of ulemas have confirmed to the Special Rapporteur on the situation of human rights in Afghanistan;

4. Considers it essential that the international community follow very closely the situation of women and girls in Afghanistan and bring maximum pressure to bear so that all the restrictions imposed on women, which constitute flagrant and systematic violations of all the internationally recognized economic, social, cultural, civil and political rights, are removed;

5. Congratulates the United Nations agencies and non-governmental organizations on the measures and programmes adopted with a view to lending their support and assistance to women and girls in Afghanistan, and strongly encourages them to continue their efforts despite the difficulties encountered;

6. Takes note with appreciation of the agreements signed by the World Bank with UNDP (Afghanistan) for the establishment of, inter alia, pilot programmes of support to Afghan non-governmental organizations for the protection of women;

7. Supports United Nations activities aimed at promoting the fundamental rights of women and girls in Afghanistan, and also efforts to find possibilities of constructive engagement at the community level in the context of community projects;

8. Considers that it is the duty of the armed groups in Afghanistan to respect the fundamental rights of the individual and particularly those of women, in conformity with international law and humanitarian law;

9. Expresses the wish that the Special Rapporteur on violence against women will be able to travel to Afghanistan;

10. Again calls upon Muslim religious leaders and scholars to give special attention to the extremely difficult and unprecedented situation of women in Afghanistan, and to use their

authority and their knowledge with a view to bringing the policies and practices of the Taliban into line with the true spirit of Islam and the principles of human rights and fundamental freedoms;

11. Considers that any diplomatic recognition and any financial agreement with the Taliban regime would reinforce the discriminatory treatment which the latter is reserving for women, whereas it must be induced to end such treatment;

12. Requests the Secretary-General to continue to make available all the information that can be compiled on this question;

13. Decides to continue consideration of this question at its fifty-second session under the same agenda item.

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VII.]

1999/15. Women and the right to development

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling Commission on Human Rights resolutions 1998/51 of 17 April 1998 and 1999/41 of 26 April 1999 calling for the integration of the human rights of women throughout the United Nations system,

Recalling also Sub-Commission resolutions 1998/15 of 21 August 1998, entitled "Women and the right to land, property and adequate housing", and 1998/16 of 21 August 1998, entitled "Traditional practices affecting the health of women and the girl child",

Recalling further the recognition and legal foundations of equal rights, economic rights and the right to development in, inter alia, articles 2, 7, 17, 23 and 25, paragraph 1, of the Universal Declaration of Human Rights, articles 1, 2, paragraph 2, 6, 9, 11, paragraph 1, and article 13 of the International Covenant on Economic, Social and Cultural Rights, articles 1, 2 and 26 of the International Covenant on Civil and Political Rights, article 5 (d) (v) of the International Convention on the Elimination of All Forms of Racial Discrimination, and articles 1, 3, 11, paragraph 1 (a) to (e) and article 14 of the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the right to be free from discrimination based on sex and the equal right of men and women to the enjoyment of all civil, cultural, economic, political and social rights as stipulated in, inter alia, the International Bill of Human Rights,

Bearing in mind the need to eradicate other forms of violation of the human rights of women, inter alia the right to education, in order to facilitate the right to development, Emphasizing, with particular attention to the tenuous economic situation of many women, the rights embodied in the Declaration on the Right to Development, inter alia in articles 1, 2, 6 and 8, paragraph 1,

Concerned that, as a result of the discrimination faced by women with respect to acquiring and securing land, property and housing, the number of women living in poverty is increasing disproportionately to the number of men and that women's experiences of poverty are particularly severe and prohibit women from escaping from the poverty trap,

Recognizing that the existence and perpetuation of gender-biased laws, policies and traditions which deny women access to credit and loans, keep them from owning and inheriting land, property and housing and exclude them from participating fully in development processes discriminate against women and create insecure and inadequate housing and living conditions,

Deeply concerned that inadequate and insecure economic conditions give rise to serious mental and physical health problems for women and contribute to, cause and are often the result of violence against women,

Stressing that the impact of discrimination and violence against women on women's ability to attain economic security is particularly acute for women who are internally displaced as a result of armed conflict situations, natural disasters and certain development projects,

Concerned that international and regional trade, finance and investment policies often increase gender inequality in terms of access to land, property, housing and other productive resources and undermine women's capacity to gain and retain these resources,

Mindful that women's inequality will not always be remedied by the identical treatment of men and women and that adequate remedies may require that women be treated differently from men, based on a consideration of women's specific socio-economic context, in order to promote the full realization of their rights,

1. Affirms that the discrimination faced by women with respect to acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human rights to equality, to protection against discrimination and to equal enjoyment of an adequate standard of living, including adequate housing;

2. Strongly urges Governments to comply fully with all of their international and regional obligations and commitments concerning women's economic rights, including the rights to land, property, inheritance, loans and credit, adequate housing, including security of tenure, and an adequate standard of living;

3. Calls upon Governments to promote the education of women, including education as to their rights, which will not only facilitate the exercise of their own rights to housing and development but will also promote the welfare and rights of their families, communities and societies, given the clear evidence that women's education is the key to development;

4. Urges Governments to take all necessary measures in order to amend or repeal laws and policies which inhibit women's economic rights and their right to development, especially those discriminatory laws pertaining to land, property and housing which deny women security of tenure and equal access and rights to land, property and housing, and loans, and to encourage the transformation of customs and traditions which deny women their right to development;

5. Recommends that Governments, international financial institutions, local lending agents, housing finance institutions and other credit facilities review their policies and eliminate those which discriminate against women and keep women from securing financial resources necessary to have access to and to secure land, property and housing and, in this regard, that special consideration be given to single women and households headed by women;

6. Calls upon the international trade, investment and financial institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and the Organisation for Economic Cooperation and Development, to take fully into account the human rights implications for women of their policies;

7. Invites the United Nations High Commissioner for Human Rights, in pursuance of her mandate and in coordination with the appropriate United Nations bodies, to undertake initiatives that promote women's economic rights and right to development;

8. Invites the Committee on the Elimination of Discrimination against Women to pay special attention to women's economic rights, including but not limited to the rights to land, property and an adequate standard of living, including adequate housing, when examining States parties' reports, and to explore the possibility of adopting a general recommendation on this theme as it relates, inter alia, to the provisions of article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, with a view to clarifying the obligations of States parties to the Convention in this respect;

9. Welcomes the invitation made by the Committee on the Elimination of Discrimination against Women to the World Bank and the International Monetary Fund to submit to it an analysis of the impact of their policies on the respect of women's fundamental rights;

10. Invites the Secretary-General to continue to provide all available information on women and the right to development.

32nd meeting
25 August 1999
[Adopted without a vote. See chap. VII.]

1999/16 Systematic rape, sexual slavery and slavery-like practices

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1993/24 of 25 August 1993 and its decision 1994/109 of 19 August 1994, establishing the mandate and the framework for the study on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict, as well as Commission on Human Rights decision 1994/103 of 4 March 1994,

Taking note in particular of its decision 1997/114 of 27 August 1998, in which it entrusted Ms. Gay J. McDougall with the task of completing the study for Submission to the Sub-Commission at its fiftieth session,

Recalling its resolution 1998/18 of 21 August 1998,

Recalling the Rome Statute of the International Criminal Court, adopted on 17 July 1998 at the United Nations Conference of Plenipotentiaries, which specifically recognizes that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity and war crimes falling within the jurisdiction of the Court,

Encouraged that the Rome Statute of the International Criminal Court also devotes useful attention to the protection and rehabilitation of victims of sexual violence, along with significant protections for the collection of evidence and the testimony of witnesses in cases involving gender-related violence and sexual slavery,

Recalling the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13) and welcoming with interest the updated information provided by the Special Rapporteur,

1. *Expresses its appreciation once again* to the Special Rapporteur for having completed this study in a timely fashion and at a crucial point in the development of international criminal law;

2. *Endorses* the accepted view that regardless of whether sexual violence in armed conflict occurs on an apparently sporadic basis or as part of a comprehensive plan to attack and terrorize a targeted population, all acts of sexual violence, in particular during armed conflicts and including all acts of rape and sexual slavery, must be condemned and prosecuted;

3. *Reiterates* the study's conclusion that the existing international legal frameworks of humanitarian law, human rights law and criminal law clearly prohibit and criminalize sexual violence and sexual slavery in all cases;

4. *Aware* that the provision of the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land which states that States "shall be responsible for all acts

committed by persons forming part of [their] armed forces" and "shall, if the case demands, be liable to pay compensation" for violations of the rules is part of customary international law,

5 Strongly endorses the Special Rapporteur's call for national and international responses to the increasing occurrence during armed conflicts, including internal armed conflicts, of acts of sexual violence and sexual slavery,

6 Calls upon all States to enact and enforce legislation incorporating relevant international criminal law in their national legal systems to allow for the effective prosecution in national courts of acts of sexual violence committed during armed conflicts,

7 Affirms at the same time that all States must ensure that their legal systems at all levels conform to their international obligations and are capable of adjudicating international crimes and administering justice without gender bias,

8 Recognizes the need to support and strengthen the ability of the International Criminal Court to prosecute all cases of sexual violence committed during armed conflicts as human rights and humanitarian law violations,

9 Reiterates that States must respect their international obligations to prosecute perpetrators and compensate all victims of human rights and humanitarian law violations,

10 Recognizes that to give effect to rules applicable in conflict situations requires the adoption and implementation of measures in peacetime,

11 Calls upon States to make possible respect for their obligations in situations of conflict by, inter alia

(a) Adopting suitable instructions for and training of their armed forces so that they know that all forms of sexual violence and sexual slavery are criminal and will be prosecuted,

(b) Putting in place effective mechanisms for the investigation and prosecution of such offences by their own armed forces and for the protection of the victims of such offences,

(c) Seeking the technical assistance of the International Humanitarian Law Advisory Service of the International Committee of the Red Cross with regard to best practices in this field,

12 Calls upon States to provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts,

13 Notes that the rights and obligations of States and individuals with respect to the violations referred to in the present resolution cannot, as a matter of international law, be extinguished by peace treaty, peace agreement, amnesty or by any other means,

14. Calls upon the High Commissioner for Human Rights to monitor the implementation of the present resolution and to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur;

15. Recommends that the Commission on Human Rights endorse the principles stated in the present resolution at its fifty-sixth session;

16. Requests the Special Rapporteur to submit to the Sub-Commission at its fifty-second session a report containing the updated information presented at its current session, with a view to wide distribution of the entire study in all the official languages, including to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and the Assembly of States Parties of the International Criminal Court;

17. Decides to consider the issue under the same agenda item at its fifty-second session.

33rd meeting
26 August 1999
[Adopted by 15 votes to 2, with 5 abstentions.
See chap. VIII.]

1999/17. *Report of the Working Group on Contemporary Forms of Slavery*

The Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session (E/CN.4/Sub.2/1999/17) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory, 1 Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it,

2 Welcomes the expression of solidarity with the victims of contemporary forms of slavery by the General Assembly, which has proclaimed 2 December as International Day for the Abolition of Slavery,

I TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3 Urges Governments which have not yet done so, to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

4 Recommends that the General Assembly declare a United Nations year against trafficking in persons, allowing sufficient time before the commencement of the year for the development of national and international plans of action,

5 Urges States to devise and adopt comprehensive national plans of action against trafficking in persons, particularly for the purposes of prostitution, based on data collection, research and analysis, and in collaboration with non-governmental organizations,

6 Requests the Office of the High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan,

7 Encourages States to collaborate with non-governmental organizations which have expertise in the field to develop national plans of action in accordance with the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN 4/Sub 2/1995/28/Add 1), to ensure the coordination of laws and implementing agencies relevant to the prevention of trafficking and the exploitation of prostitution, and the empowerment of their victims and survivors, and to transmit such plans of action to the Working Group on Contemporary Forms of Slavery for its consideration,

8 Encourages Governments, in elaborating the draft convention against transnational organized crime, including a draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, fully to include a human rights perspective and to take into account work being done in other international forums, particularly the Working Group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of the Commission on Human Rights and the Working Group on Contemporary Forms of Slavery,

9 Congratulates the four non-governmental organizations that organized, immediately prior to the twenty-fourth session of the Working Group, a consultation with the United Nations and intergovernmental organizations on trafficking in persons, prostitution and

the global sex industry for the fruitful dialogue among the various schools of thought and groups and welcomes the outcome of the consultation and the consensus recommendations which are attached to the report of the Working Group on its twenty-fourth session (E/CN.4/Sub.2/1999/17, annex II);

10. Invites States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-fifth session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

11. Invites the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women to continue to address, within their mandates, the problem of trafficking and related practices of exploitation and to recommend specific measures to strengthen the regime against the traffic in persons and the exploitation of the prostitution of others, and also invites them to participate at the next session of the Working Group;

II. PREVENTION OF THE TRANS-BORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

12. Invites States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner the new International Labour Organization Convention (No. 182) on the Worst Forms of Child Labour;

13. Calls upon States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

14. Encourages cooperation among concerned States, as well as with international agencies and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

15. Also encourages strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization (INTERPOL), responsible for detecting and intercepting child traffickers, as well as tracing the families of trafficked children;

III. THE ROLE OF CORRUPTION IN THE PERPETUATION OF SLAVERY AND SLAVERY-LIKE PRACTICES

16. Urges all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

17. Also urges States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes;

18. Encourages existing international arrangements aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

19. Decides to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices, as well as the role of international debt in the perpetuation of slavery;

IV. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

20. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children;

21. Also recommends that Governments and non-governmental organizations undertake further investigation of the misuse of the Internet for the purpose of promoting and/or carrying out trafficking, prostitution and the sexual exploitation of women and children;

22. Urges Governments to act more forcefully to eliminate the traffic in persons, the exploitation of the prostitution of others and sexual exploitation on the Internet;

23. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking, prostitution and sexual exploitation to the mental and physical well-being of women and children;

24. Requests that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

25. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation;

V. IMPLEMENTATION OF THE CONVENTIONS ON SLAVERY

26. Expresses its appreciation to Mr. David Weissbrodt and Anti-Slavery International for their working paper containing a consolidation and review of the conventions on slavery and for the executive summary of that paper (E/CN.4/Sub.2/AC.2/1999/6);

27. Recommends that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 the Convention for the Suppression of the

Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties,

28 Requests the Working Group to focus each of its annual sessions on a particular issue of great importance for the abolition of slavery and to designate that issue two years prior to the annual session,

29 Expresses the hope that the Working Group will benefit from the cooperation of all States, particularly the most interested States, with regard to the particular issue selected,

30 Decides to invite concerned non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group,

31 Also decides that, if other issues arise within its agenda which the Working Group might consider to be urgent, these issues will be allotted time and receive consideration during each session,

32 Invites the authors of the review of international standards to update the review and submit it to the Sub-Commission for its consideration and eventual transmission to the Commission;

VI MIGRANT WORKERS

33 Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

34 Also urges States to take necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers,

35 Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

36 Decides to continue consideration of this issue at its next session,

VII CHILD DOMESTIC WORKERS

37 Recommends that the International Labour Organization give more emphasis to the issue of child domestic workers, in particular girl children,

38 Also recommends that the International Labour Organization establish additional country programmes for these children within its International Programme on the Elimination of Child Labour,

VIII. CHILD LABOUR - A GENDER PERSPECTIVE

39. Welcomes the new International Labour Organization Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999;

40. Notes the special mention of the situation of girls in article 7, paragraph 2 (c), of the new Convention;

41. Calls upon States to eliminate all discrimination against girls in education, skills development and training and to enforce laws and regulations which ensure that no girl of primary-school age is employed as a domestic worker;

IX. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

42. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29), the Minimum Age Convention, 1973 (No. 138) and the new Worst Forms of Child Labour Convention, 1999 (No. 182);

43. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

44. Urges States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible, and to ensure the rehabilitation of the victims of debt bondage through economic, social and educational programmes;

45. Recommends that the countries in which debt bondage occurs be invited to attend the Working Group in order to facilitate dialogue and the consideration of best practice;

46. Invites the International Labour Organization, the World Bank, the International Monetary Fund, the World Trade Organization and other international bodies to consider debt bondage when they establish their policies;

47. Recommends once again that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

48. Invites international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage;

49. Welcomes the decision of the Working Group that bonded labour and debt bondage will be its primary focus at its twenty-fifth session in 2000;

X. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

50. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

51. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

52. Strongly encourages the Special Rapporteur to participate in the twenty-fifth session of the Working Group, in view of the importance of her contribution to its deliberations;

XI. MISCELLANEOUS

53. Urges States to take adequate steps better to regulate and monitor intercountry adoptions, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and by enacting appropriate laws to enforce its provisions;

54. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group, with a view to their replies being considered at forthcoming sessions of the Working Group;

55. Appeals to all Governments to send observers to the meetings of the Working Group;

56. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

57. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the

Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their guidelines an item concerning contemporary forms of slavery;

58. *Recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

59. *Requests* the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

60. *Welcomes* the adoption by the Commission on Human Rights of its resolution 1999/46 of 27 April 1999, in which the Commission once again requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

61. *Again requests* the Secretary-General to designate the Office of the High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

62. *Recalls* that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

63. *Decides* to make provision in its agenda for adequate discussion near the commencement of each session of the reports of the Working Group, thereby strengthening its involvement in the activities of the Working Group.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. VIII.]

1999/18. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund and the necessary cooperation between them,

Welcoming Commission on Human Rights resolution 1999/46 of 27 April 1999, in which the Commission requested the Secretary-General to transmit to Governments an appeal for contributions to the Fund,

Concerned at the insufficiency of contributions to the Fund,

1. *Notes with satisfaction* the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery at its twenty-fourth session;

2. *Expresses its appreciation* to the donor Governments, non-governmental organizations and individuals, in particular the new donors, the Governments of Kuwait, Saudi Arabia and Japan for their valuable contributions;

3. *Encourages* the activities of those non-governmental organizations financed by the Fund;

4. *Expresses its support* for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

5. *Urges* all Governments, non-governmental organizations, other private and public entities and individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively;

6. *Encourages* all donors who have pledged a contribution to the Fund to contribute as soon as possible;

7. *Emphasizes* the need for contributions to the Fund on a regular basis and, if possible, before the end of the current year, in order to enable the Board of Trustees to recommend grants to assist representatives of organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery at its twenty-fifth session and to finance projects of humanitarian assistance by non-governmental organizations in the field;

8. *Invites* the members of the Board of Trustees of the Fund in a position to do so to participate at the twenty-fifth session of the Working Group;

9. *Decides* to continue to examine the situation and the activities of the Fund at its fifty-second session.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. VIII.]

1999/19. International Decade of the World's Indigenous People

The Sub-Commission on Promotion and Protection of Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Recalling also its resolution 1998/22, Noting the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous peoples,

Having considered the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19),

1. Welcomes the observance of the International Day of the World's Indigenous People on 30 July 1999;

2. Recommends that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the eighteenth session of the Working Group on Indigenous Populations in order to ensure as great a participation of indigenous peoples as possible;

3. Welcomes the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;

4. Recommends that the Coordinator for the Decade consider holding a special fund-raising meeting with interested permanent missions and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the Office of the United Nations High Commissioner for Human Rights relating to the indigenous programme;

5. *Urges* Governments and intergovernmental and non-governmental organizations and individuals to contribute to the Voluntary Fund for the Decade established by the Secretary-General and invites indigenous organizations to do likewise;

6. *Recommends* that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;

7. *Strongly recommends* that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible and not later than the end of the International Decade in 2004 and, to this end, appeals to the members of the inter-sessional working group of the Commission on Human Rights and to all others concerned to consider ways and means to accelerate the preparation of the draft declaration;

8. Welcomes Commission on Human Rights resolution 1999/52 of 27 April 1999, in which the Commission decided to re-establish an open-ended inter-sessional ad hoc working group on a permanent forum for indigenous peoples in the United Nations system;

9. *Expresses its appreciation* to Mr. Richard van Rijssen, Chairperson-Rapporteur, and to the other members of the ad hoc working group for the work they have so far accomplished;

10. *Recommends* that the permanent forum be established as soon as possible in the course of the Decade with functions that do not duplicate those already conferred on the Working Group on Indigenous Populations, financed through the regular budget of the United Nations and securing full participation of all interested indigenous peoples;

11. *Endorses* the view expressed by many indigenous participants during the seventeenth session of the Working Group on Indigenous Populations that the establishment of the permanent forum should not be understood as a justification for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

12. *Congratulates* the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

13. *Expresses its appreciation and thanks* to the Government of Costa Rica for hosting the United Nations Workshop on Research and Higher Education Institutions and Indigenous Peoples in June 1999;

14. *Encourages* the High Commissioner for Human Rights to consider organizing a follow-up workshop to put into practice the recommendations arising from the Workshop;

15. *Expresses its appreciation* to the Sami Parliament, the Sami Council, the Åbo Akademi-Institute for Human Rights and the Government of Finland for the excellent organization of the workshop on indigenous peoples and the right to self-determination held in Inari, Finland, in June 1999;

16. *Invites* the High Commissioner for Human Rights to consider, as soon as possible, ways and means by which she might support the World Indigenous Nations (WIN) Games;

17. *Recommends* that the High Commissioner, in consultation with interested Governments, organize meetings and other activities in Africa and Asia within the framework of the International Decade in order, *inter alia*, to raise public awareness about indigenous issues in those regions;

18. *Also recommends* that the High Commissioner organize a workshop, in collaboration with the United Nations Conference on Trade and Development, the International Labour Organization, the World Trade Organization and other relevant organizations, on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the Working Group on the working methods and activities of transnational corporations;

19. *Invites* the Commission on Human Rights to consider organizing a world conference on indigenous issues during the last year of the International Decade of the World's Indigenous People (2004) with a view to evaluating the Decade and considering future international policies and programmes which will contribute to the reconciliation of Governments with indigenous peoples.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. IX.]

1999/20. Working Group on Indigenous Populations

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1998/23,

Reaffirming the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the discussions in the Working Group on Indigenous Populations during its seventeenth session on the principal theme "Indigenous peoples and their relationship to land" and the fruitful debate on indigenous peoples' health, standard-setting exercises, a permanent forum for indigenous peoples and the International Decade of the World's Indigenous People,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations, and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its seventeenth session;

2. *Requests* the Secretary-General to transmit the report of the Working Group on its seventeenth session to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. *Requests* that the report of the Working Group be made available to the Commission on Human Rights at its fifty-sixth session;

4. *Recommends* that the Working Group cooperate as a body of experts in any conceptual clarification or analysis which might assist the open-ended inter-sessional working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. *Recommends* that the Working Group at its eighteenth session adopt as the principal theme "Indigenous children and youth" and that the Office of the High Commissioner for Human Rights invite the United Nations Children's Fund and the Committee on the Rights of the Child to provide relevant information and, if possible, participate in the meetings of the Working Group, and that the Working Group continue to address, on a yearly basis, the issue of indigenous peoples' right to their lands and their resources;

6. *Requests* the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its eighteenth session;

7. *Requests* the High Commissioner for Human Rights, in consultation with interested Governments, to make efforts to organize meetings on indigenous issues in different parts of the world, in particular in Africa, Asia and Latin America, to provide greater opportunity for participation of peoples from these regions and to raise public awareness about indigenous peoples;

8. *Requests* the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;

9. *Recommends* that a working paper be prepared by the Chairperson-Rapporteur on indigenous peoples and racism and racial discrimination for consideration at the preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

10. Requests Mr. Miguel Alfonso-Martinez to submit to the Working Group at its eighteenth session the working paper on possible principles and guidelines for private sector energy and mining concerns that may affect indigenous lands, as referred to in Sub-Commission resolution 1998/23;

11. Recommends that the Chairperson-Rapporteur or any other member of the Working Group be invited to take part in the preparatory meetings for the World Conference and in the World Conference itself;

12. Requests the Chairperson-Rapporteur or other member of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its eighteenth session will highlight the principal theme "Indigenous children and youth", so that the Board can bear this in mind when it meets for its thirteenth session;

13. Recommends the appointment by the Commission on Human Rights of a special rapporteur on indigenous issues to request and receive information from Governments, indigenous peoples and intergovernmental and non-governmental organizations relating to the recognition, promotion and protection of the human rights of indigenous peoples;

14. Appeals to all Governments, organizations, including non-governmental organizations and indigenous groups, and individuals in a position to do so, to consider contributing to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations, the open-ended inter-sessional working group on the draft United Nations declaration on the rights of indigenous people and the open-ended inter-sessional ad hoc working group on a permanent forum;

15. Requests the Secretary-General to prepare an annotated agenda for the eighteenth session of the Working Group;

16. Requests the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for eight working days prior to the fifty-second session of the Sub-Commission;

17. Recommends to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, draft decision 5.]

33rd meeting
26 August 1999
[Adopted without a vote. See chap. IX.]

1999/21. Working paper on indigenous peoples and their relationship to land

The Sub-Commission on the Promotion and Protection of Human Rights,

Mindful of the development of international standards and programmes which recognize, promote and affirm the rights of indigenous peoples to their lands and resources, in particular the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development and World Bank Operational Directive 4.20,

Recognizing that despite these international, regional and national advances, problems continue to abound which impede the effective enjoyment of indigenous land and resource rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or adopt policies and practices regarding indigenous land claims and that in other instances States have not provided adequate implementing mechanisms concerning indigenous land and resource rights that are mutually acceptable to the parties concerned,

Noting the important working paper (E/CN.4/Sub.2/1997/17 and Corr.1) and the preliminary progress report (E/CN.4/Sub.2/1998/15), prepared by the Special Rapporteur, Ms. Erica-Irene Daes, which were considered by the Sub-Commission at its forty-ninth and fiftieth sessions,

Recalling its resolution 1998/21,

Having heard the introductory statement of the Special Rapporteur on indigenous peoples and their relationship to land,

Having considered the second progress report on the working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1999/18),

1. Expresses its deep appreciation and thanks to the Special Rapporteur, Ms. Erica-Irene Daes, for her substantive and important introductory statement and for her constructive second progress report on the working paper on indigenous peoples and their relationship to land;

2. Requests the Secretary-General to transmit as soon as possible the second progress report on the working paper on indigenous peoples and their relationship to land to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions;

3. Requests the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its eighteenth session and to the Sub-Commission for its consideration at its fifty-second session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for her to complete her task;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 6.]

33rd meeting
26 August 1999
[Adopted without a vote. See chap. IX.]

1999/22 Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Sub-Commission on the Promotion and Protection of Human Rights,

Having considered the final report submitted by Mr. Miguel Alfonso Martinez of his study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20),

Taking into account chapter VI and chapter XII, section C of the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19), in relation to this issue,

Fully aware of the importance of the conclusions and recommendations included in the Special Rapporteur's final report (E/CN.4/Sub.2/1990/20, chapter IV),

1. Takes note with appreciation of the final report submitted by the Special Rapporteur, Mr. Miguel Alfonso Martinez, of his study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1990/20);

2. Endorses the conclusions and recommendations contained in chapter IV of his final report;

3. Welcomes the in-depth discussion held on his final report at the sixteenth and seventeenth sessions of the Working Group on Indigenous Populations and at the fifty-first session of the Sub-Commission;

4. *Takes note* of the critical remarks and observations advanced by a number of organizations and individuals participating in those debates on the Special Rapporteur's considerations, contained in paragraphs 67 to 92 of his final report, on the relevance of the concept of "indigenousness" in the particular context of present-day African, Asian and Pacific States;

5. *Extends* its recognition to the Special Rapporteur for having thoroughly fulfilled his mandate after 10 years of intense work under conditions which were not always the most propitious for accomplishing the task entrusted to him;

6. *Requests* the Special Rapporteur to submit to the secretariat, not later than 15 November 1999, the corrections and additions he may consider necessary to make to the English, French and Spanish versions of his final report, including the addenda referred to in paragraph 130 of the report of the Working Group on Indigenous Populations on its seventeenth session;

7. *Also requests* the Special Rapporteur to present formally, in person, to the Commission on Human Rights, at its fifty-sixth session, the revised version of his final report;

8. *Requests* the High Commissioner for Human Rights to organize, not later than June 2000, a seminar on treaties, agreements and other legal instruments between indigenous peoples and States to discuss possible follow-up to the study just completed by Mr. Alfonso Martinez and explore ways and means to implement the recommendations included in his final report;

9. *Requests* the Secretary-General to transmit the final report as soon as possible to Governments, to indigenous peoples and organizations, and to intergovernmental and non-governmental organizations in order to ensure its widest possible dissemination;

10. *Requests* the Working Group on Indigenous Populations to remain seized of the important issue of indigenous treaties and agreements and the rights deriving therefrom during its annual sessions during the rest of the International Decade of the World's Indigenous People.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. IX.]

1999/23. *Prevention of discrimination against and the protection of minorities*

The Sub-Commission on the Promotion and Protection of Human Rights,

Noting Commission on Human Rights resolution 1999/48 of 27 April 1999 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, Having considered the report of the Working Group on Minorities on its fifth session (E/CN.4/Sub.2/1999/21) and in particular the conclusions and recommendations contained therein,

Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

1. Endorses the conclusions and recommendations of the Working Group on Minorities on its fifth session as contained in its report (E/CN.4/Sub.2/1999/21);

2. Welcomes the recommendation of the Working Group to request its members to prepare working papers on thematic issues;

3. Notes with satisfaction the recommendation of the Working Group to establish a database on minorities and to prepare a manual containing an overview of relevant procedures and mechanisms of regional and international organizations, as well as the commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/AC.5/1998/WP.1);

4. Decides to entrust Ms. Erika-Irene Daes and Mr. Asbjørn Eide with the preparation of a working paper, without financial implications, on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples, for submission to the next sessions of the Working Group on Minorities and the Working Group on Indigenous Populations and to the Sub-Commission at its fifty-second session;

5. Requests the Secretary-General to invite States, specialized agencies, other United Nations organs and bodies, non-governmental organizations and scholars to submit comments on the commentary to the Declaration to the Working Group on Minorities at its sixth session;

6. Requests the Secretary-General to invite the specialized agencies and United Nations bodies, including the World Bank and the International Monetary Fund, as well as regional organizations, to provide information to the Working Group on their activities and programmes in the field of minority protection;

7. Welcomes the convening of a seminar in Montreal, Canada, from 29 September to 2 October 1999 on intercultural and multicultural education and calls for the report of the

seminar to be transmitted to the Working Group at its sixth session and to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its first session;

8. Appeals to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

9. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. X.]

1999/24. Draft international convention on the protection of all persons from enforced disappearance

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States and urged that all efforts be made so that the Declaration became generally known and implemented,

Recalling also General Assembly resolution 41/120 of 4 December 1986, in which the Assembly recognized the value of continuing efforts to identify specific areas where further international action was required to develop the existing legal framework in the field of human rights,

Recalling further Commission on Human Rights resolution 1997/26 in which the Commission, deeply concerned, in particular, by the intensification of enforced or involuntary disappearances, took note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34) in paragraph 31 of which the Working Group welcomed the efforts of the Sub-Commission's sessional working group on the administration of justice to prepare a draft international convention on the prevention and punishment of enforced disappearances,

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of enforced disappearance is of the nature of a crime against humanity,

Recalling its resolution 1998/25 of 26 August 1998, in which it decided to transmit the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon as well as those of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64),

Noting Commission resolution 1999/38 of 26 April 1999 dealing with government responses to the general problem of enforced disappearances, in which the Commission took note of the draft international convention on the protection of all persons from enforced disappearance and requested the Secretary-General to renew the invitation to States, international organizations and non-governmental organizations to submit their views and comments on the matter,

1. Urges the Commission on Human Rights to give priority consideration to the draft international convention on the protection of all persons from enforced disappearance on account of the nature and degree of the suffering of the disappeared and of their families and friends;

2. Decides to consider the question of the draft international convention on the protection of all persons from enforced disappearance under the same agenda item at its fifty-second session.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. XI.]

1999/25. Promotion of dialogue on human rights issues

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, as well as in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993,

Noting General Assembly resolutions 52/134 of 12 December 1997 on the enhancement of international cooperation in the field of human rights and 53/22 of 4 November 1998 on the United Nations Year of Dialogue among Civilizations,

Noting also Commission on Human Rights resolutions 1998/81 of 24 April 1998 and 1999/68 of 28 April 1999,

Reaffirming its resolutions 1997/38 of 28 August 1997 and 1998/28 of 26 August 1998,

Welcoming the collective endeavour of the international community to enhance understanding through constructive dialogue among civilizations at the threshold of the third millennium, Bearing in mind that the international community should strive by teaching and education to promote respect for human rights and fundamental freedoms,

Emphasizing the importance of ensuring the universality, indivisibility, objectivity and non-selectivity of the consideration of human rights issues,

1. Reiterates its commitment to international cooperation in the field of human rights and invites governmental and non-governmental observers of the Sub-Commission to carry out constructive dialogue and consultations on human rights issues on the basis of equality and mutual respect;

2. Endorses the cooperative approach in search of common understanding and reasonable accommodation of divergent views;

3. Decides to continue its consideration of this question at its fifty-second session.

33rd meeting
26 August 1999
[Adopted without a vote. See chap. XIV.]

1999/26. Terrorism and human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and other relevant international instruments on human rights and humanitarian law,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993,

Affirming that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing in mind further that terrorism creates an environment that destroys the freedom from fear of the people, Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Mindful that acts of terrorism, in all their forms and manifestations, aimed at the destruction of human rights have continued despite the efforts and measures taken at the international, regional and national levels,

Recalling its resolution 1998/29,

Reiterating the great importance of a study on terrorism and human rights,

Recalling Commission on Human Rights resolution 1998/47 and Economic and Social Council decision 1998/278 in which the Council endorsed the Commission's decision to approve the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights,

Having considered the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1999/27),

Having heard the introductory statement made by the Special Rapporteur,

1. Expresses its deep appreciation and thanks to the Special Rapporteur, Ms. Kalliopi K. Koufa, for her excellent and comprehensive preliminary report (E/CN.4/Sub.2/1999/27) and her introductory statement;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular by providing for visits to Geneva, New York and, in particular, the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna, in order to hold consultations with the competent services and bodies of the United Nations system, to complement her essential research and to collect all the needed and up-to-date information and data;

3. Also requests the Secretary-General to transmit the preliminary report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur as soon as possible comments, information and data relating to the study on terrorism and human rights;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 7.]

33rd meeting
26 August 1999
[Adopted without a vote. See chap. XIV.]

1999/27. Reservations to human rights treaties

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the letter addressed by the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31, annex) containing a proposal that a study be undertaken on reservations to treaties,

Noting the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission (E/CN.4/Sub.2/1998/25),

Recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights emphasized the need to limit the number and scope of reservations to human rights treaties,

Recalling also its decision 1998/113 requesting Ms. Françoise Hampson to prepare a working paper on the question of reservations to human rights treaties,

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Sub-Commission on this and other topics of mutual interest,

1. Encourages States to ratify human rights treaties without reservations and those States that have ratified human rights treaties with reservations to remove them as soon as possible;

2. Takes note of the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1) and endorses the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties;

3. Decides to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working

paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-second session, a progress report at its fifty-third session and a final report at its fifty-fourth session,

4 Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish this task,

5 Requests the Special Rapporteur to seek the advice and cooperation of all relevant treaty bodies,

6 Recommends the following draft decision to the Commission on Human Rights for adoption

[For the text, see chap I, draft decision 8]

33rd meeting
26 August 1999
[Adopted without a vote See chap XIV]

1999/28 Observance of human rights by States which are not parties to United Nations human rights conventions

The Sub-Commission,

Mindful of the need to examine further the ways and means of encouraging States to observe the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights and to ratify the principal United Nations human rights conventions,

1 Takes note of the working paper submitted by Mr V Kartashkin in accordance with Sub-Commission decision 1998/115 (E/CN 4/Sub 2/1999/29),

2 Requests Mr Kartashkin to continue his work on the subject, without financial implications, and to submit an additional working paper to the Sub-Commission at its fifty-second session,

3 Decides to continue consideration of this question at its fifty-second session under the appropriate agenda item

33rd meeting
26 August 1999
[Adopted without a vote See chap XIV]

1999/29 Globalization and its impact on the full enjoyment of all human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Noting that human beings strive for a world respectful of cultures, identities and human rights and in that regard work to ensure that all activities, including those affected by globalization, are consistent with these aims,

1 Notes Commission on Human Rights resolution 1999/59 of 28 April 1999, in which the Commission requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session,

2 Decides to entrust Mr Joseph Oloka-Onyango with the task of preparing this study, which will be presented to the Commission on Human Rights at its fifty-seventh session in 2001

33rd meeting
26 August 1999
[Adopted without a vote See chap XIV]

1999/30 Trade liberalization and its impact on human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and economic order in which the rights and freedoms set forth in the Universal Declaration can be fully realized,

Stressing that the progressive realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights is a binding obligation upon States parties, Recalling the Declaration on the Right to Development, which recognizes that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and a duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Considering that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other major human rights instruments contain obligations and goals which are fundamental to the development process and to economic policy,

Recalling that the Vienna Declaration and Programme of Action confirmed that the promotion and protection of human rights and fundamental freedoms is the first responsibility of Governments and that the human person is the central subject of development, and that the Copenhagen Declaration and Programme of Action confirmed that social development and social justice cannot be attained in the absence of respect for all human rights and fundamental freedoms,

Recalling also its resolutions 1998/8 and 1998/12, and noting Commission on Human Rights resolution 1999/59,

Noting that the negotiations on the draft Multilateral Agreement on Investment have ceased at the Organisation for Economic Cooperation and Development but aware of proposals for provisions similar to those of the Multilateral Agreement on Investment to be incorporated in future agreements of the World Trade Organization and in the review of the Articles of Agreement of the International Monetary Fund,

Convinced of the necessity of fully integrating human rights principles in the processes of economic policy formulation,

Conscious of the World Trade Organization Ministerial Conference scheduled to take place in Seattle, United States of America, in November/December 1999,

1. Requests all Governments and economic policy forums to take international human rights obligations and principles fully into account in international economic policy formulation;

2. Declares that sanctions and negative conditionalities which directly or indirectly affect trade are not appropriate ways of promoting the integration of human rights in international economic policy and practice;

3. Calls upon Governments and international economic policy forums to undertake comprehensive and systematic studies, in consultation with United Nations and regional human rights mechanisms and relevant civil society organizations, of the human rights and social impacts of economic liberalization programmes, policies and laws;

4. Requests the United Nations High Commissioner for Human Rights to intensify efforts at dialogue with the World Trade Organization and its member States on the human rights dimensions of trade and investment liberalization, and to take steps to ensure that human rights principles and obligations are fully integrated in future negotiations in the World Trade Organization;

5. Requests the United Nations Conference on Trade and Development to include in its programme of work, especially in the context of the preparation for the tenth session of the United Nations Conference on Trade and Development on "Development strategies in an increasingly interdependent world: applying the lessons of the past to make globalization an effective instrument for the development of all countries and all people", a specific focus on ways and means to incorporate human rights principles in the process of international trade policy formulation;

6. Encourages the relevant civil society organizations to promote with their respective Governments the need for economic policy processes fully to incorporate and respect existing human rights obligations, and to continue to monitor and publicize the effects of economic policy that fail to take such obligations into account.

33rd meeting
26 August 1999
[Adopted by 18 votes to none, with 4 abstentions.
See chap. VI.]

B Decisions

1999/101 Establishment of a sessional working group on the working methods and activities of transnational corporations

At its 2nd meeting, on 3 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1998/8 of 20 August 1998, decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 (c)

[See chap III]

1999/102 Establishment of a sessional working group on the methods of work of the Sub-Commission

At its 2nd meeting, on 3 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 1998/108, decided, without a vote, to establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c)

[See chap III]

1999/103 Sessional working group on the administration of justice

At its 2nd meeting, on 3 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, not to establish a sessional working group on the administration of justice at its fifty-first session and to consider the matter again at its next session

[See chap III]

1999/104 Voting by secret ballot

At its 24th meeting, on 20 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, by a roll-call vote of 23 votes to 1, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature

[See chap III]

1999/105. Adjournment of the debate on draft resolution E/CN.4/Sub.2/1999/L.6

At its 25th meeting, on 20 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, in view of a statement by the Chairman, to adjourn the debate on the draft resolution contained in document E/CN.4/Sub.2/1999/L.6, entitled "Situation of human rights in Belarus", until its fifty-second session.

[See chap. IV.]

1999/106. The concept and practice of affirmative action

At its 31st meeting, on 25 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1998/5 of 20 August 1998 and noting Commission on Human Rights resolution 1999/81 of 28 April 1999 and Economic and Social Council decision 1999/253 of 27 July 1999, decided, without a vote, to renew its authorization to the Special Rapporteur on the concept and practice of affirmative action to request the United Nations High Commissioner for Human Rights to send a questionnaire to Governments, international organizations and non-governmental organizations, inviting them to provide all relevant national documentation on the subject of affirmative action. The Sub-Commission also decided to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the preparation of his study.

[See chap. V.]

1999/107. Promotion of the realization of the right to drinking water supply and sanitation services

At its 32nd meeting, on 25 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1997/18 of 27 August 1997, in which it decided, without a vote, to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services, recalling also its resolution 1998/7 of 20 August 1998, in which it took note with appreciation of the working paper on the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7) submitted by Mr. Guissé and recommended that the Commission on Human Rights authorize it to appoint Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation services, and taking note of Commission on Human Rights decision 1999/108 of 27 April 1999, in which the Commission noted that the issue of the right of individuals to drinking water supply and sanitation services remained undefined and therefore decided, without a vote, to request the Sub-Commission to give further consideration to that aspect in preparation for a study on the realization and promotion of that right, decided to request Mr. Guissé to supplement his working paper, without financial implications, and to submit it to the Sub-Commission at its fifty-second session.

[See chap. VI.]

1999/108 Housing and property restitution in the context of the return of refugees and internally displaced persons

At its 32nd meeting, on 25 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons and considering this subject to be of increasing importance, decided, without a vote, to continue its consideration of this question at its fifty-second session and to recommend the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 9.]

[See chap. VI.]

1999/109 The human rights problems and protections of the Roma

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, noting the issues raised in the working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1) submitted by Mr. Weissbrodt, as well as the discussion under agenda items 3 and 8, decided, without a vote, to entrust Mr. Sik Yuen with the task of preparing a working paper, without financial implications, on the human rights problems and protections of the Roma, for submission to the Working Group on Minorities at its sixth session and to the Sub-Commission at its fifty-second session, under the agenda item entitled "Prevention of discrimination against and the protection of minorities", in order to enable the Sub-Commission to take a decision at that session on the feasibility of a study on the subject.

[See chap. X.]

1999/110 Humanitarian situation in Iraq

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling in particular its decision 1998/114 of 26 August 1998, wishing to reaffirm that measures such as embargoes should be limited in time, should in no way affect innocent civilian populations and, for obvious humanitarian reasons, should be lifted even if the legitimate objectives of the measures have not yet been attained, reaffirming the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant provisions of the Geneva Conventions of 1949 and the two Additional Protocols thereto which prohibit the starving of civilian populations and the destruction of what is indispensable to their survival, noting with grave concern the intense suffering endured by the Iraqi people, children in particular, noting with concern reliable reports from concerned specialized agencies, international non-governmental organizations and a delegation of French parliamentarians who travelled to Iraq on an information-gathering visit in January 1999, according to which the population's standard of living had declined considerably, malnutrition remained a major problem because of the lack of financial resources and was endemic among young children, causing serious retardation of growth, the catastrophic health situation was leading to about 6,000 deaths a month among children under the age of five, all economic activities were affected by the deterioration of infrastructure in the areas of drinking water, electricity and agriculture, which was causing serious harm to the everyday living conditions of the population, the embargo was, according to UNESCO, causing a serious deterioration of educational facilities and university teaching, which was leading to a decline in school enrolment, a return to illiteracy and a serious lack of scientific and laboratory equipment, causing great intellectual isolation, unemployment, deficient training, and the lack of openings and prospects were affecting the future of a whole generation, also bearing in mind general comment No. 8 (1997) adopted by the Committee on Economic, Social and Cultural Rights, again considering any embargo that condemned an innocent people to hunger, disease, ignorance and even death to be a flagrant violation of the economic, social and cultural rights and the right to life of the people concerned and of international law, decided, without a vote, to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted and to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. XIV.]

1999/111. Adverse consequences of economic sanctions on the enjoyment of human rights

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1997/35 of 28 August 1997 and its decision 1998/112 of 26 August 1998, decided, without a vote, to request Mr. Marc Bossuyt to prepare, without financial implications, a working paper on the adverse consequences of economic sanctions on human rights and to submit the working paper at its fifty-second session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

[See chap. XIV.]

1999/112. Human rights in the context of HIV/AIDS

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling the Guidelines adopted by the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and Sub-Commission resolution 1997/40, in which it welcomed the Guidelines and decided to keep the issue under review, decided, without a vote, to entrust Mr. Alberto Diaz Uribe with the task of preparing a working paper, without financial implications and in consultation with UNAIDS, the Office of the United Nations High Commissioner for Human Rights, interested non-governmental organizations and other interested parties, on the implementation of the Guidelines and requested him to submit it to the Sub-Commission at its fifty-second session.

[See chap. XIV.]

1999/113. Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, mindful of the valuable contribution made by the four Geneva Conventions of 12 August 1949 on the protection of victims of war and the two Additional Protocols thereto of 1977 to the development of contemporary international humanitarian law, decided by acclamation to express its gratitude and deep appreciation to the International Committee of the Red Cross on the occasion of the fiftieth anniversary of the Geneva Conventions. The Sub-Commission requested the Secretary-General to transmit the present decision to the International Committee of the Red Cross.

[See chap. XIV.]

1999/114. Methods of work of the Sub-Commission

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to transmit to the Commission on Human Rights for its information the annexed "Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto" resulting from the work of its sessional working group on methods of work set up at its forty-ninth and fifty-first sessions in order to improve its methods of work, as requested by the Commission, and to request the High Commissioner for Human Rights to disseminate those guidelines in printed form in order to make them readily accessible to all participants in the sessions of the Sub-Commission.

Annex

GUIDELINES FOR THE APPLICATION BY THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL AND OTHER DECISIONS AND PRACTICES RELATING THERETO

CONTENTS

Rule Page

I. SESSIONS

1 Number of sessions 87
2 Date of opening 87
A minute of silence 87
3 Place of sessions 87
4 Notification of opening date of sessions 87

II. AGENDA

5 Drawing up of the provisional agenda 88
6 Communication of provisional agenda 89
7 Adoption of the agenda 89
8 Revision of the agenda 89
9 Draft provisional agenda for subsequent session 89

III. REPRESENTATION

10 Terms of office of members 89
Definition of "member" 89
11 Representatives 90
12 Rights of representatives pending confirmation 90
13 Alternates 90
Rights of alternates 90
14 Advisers 90
Advisers and assistants 90

IV. OFFICERS

15 Election of officers 91
Geographical rotation of officers 91
16 Term of office 91
17 Acting Chairman 91
18 Powers of the Acting Chairman 91
19 Replacement of the Chairman or other officers 91

CONTENTS (continued)

Rule Page

20 Voting rights of the officers 92
Voting by officers 92

V. SUBSIDIARY ORGANS

21 Establishment of working groups 92
Geographical distribution of chairmen of working groups 92
22 Establishment of Sub-Commissions 92
23 Officers 92
Officers of working groups 92
24 Rules of procedure 93

VI. SECRETARIAT

25 Duties of the Secretary-General 93
26 Duties of the Secretariat 93
27 Statements by the Secretariat 93
28 Estimate of expenditure 93

VII. LANGUAGES

29 Official and working languages 94
Registration of preference of working languages 94
30 Interpretation 94
31 Languages of records 94
32 Languages of resolutions and other formal decisions 94

VIII. RECORDS AND REPORTS

33 Sound recordings of meetings 94
34 Summary records of meetings 95
35 Records of public meetings 95
36 Records of private meetings 95
37 Report to the Commission 95
38 Communication of formal decisions and reports 95

IX. PUBLIC OR PRIVATE MEETINGS

39 General principle 96
Private meetings 96
Holding a private meeting 96

CONTENTS (continued)

Rule Page

X. CONDUCT OF BUSINESS

40 Quorum 96
Schedule of meetings 96
41 General powers of the Chairman 96
42 Points of order 97
Interruption of a point of order 97
43 Speeches 97
Absence of speakers 97
Regulation of statements 97
Order of statements 98
List of speakers 98
Speaking time 98
Statements on "human rights situations" 99
1. Speaking time 99
2. Allocation of time and sequences of speakers 99
Limitations on statements 99
44 Closing of list of speakers 99
List of speakers 100
Closure of speakers' list on "human rights situations" 100
45 Right of reply 100
Timing for the right of reply 100
46 Congratulations 100
Further congratulations 100
47 Condolences 101
48 Suspension or adjournment of the meeting 101
49 Adjournment of debate 101
50 Closure of debate 101
51 Order of motions 101
52 Submission of proposals and substantive amendments 101
53 Withdrawal of proposals and motions 102
54 Decisions on competence 102
55 Reconsideration of proposals 102

XI. VOTING AND ELECTIONS

56 Voting rights 102
57 Request for a vote 102
58 Majority required 102
59 Method of voting 102
Secret ballot 103

CONTENTS (continued)

Rule Page

60 Explanation of vote 103
No explanation of vote by secret ballot 103
61 Conduct during voting 103
62 Division of proposals and amendments 103
63 Amendments 103
64 Order of voting on amendments 104
65 Order of voting on proposals 104
66 Elections 104
67 Elections (2) 104
68 Equally divided votes 104

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

69 Participation of States 104
70 Participation of national liberation movements 105
71 Participation of specialized agencies 105
72 Consultation with specialized agencies 105
73 Consultation with specialized agencies (2) 105
74 Participation of other intergovernmental organizations 106

XIII. CONSULTATION WITH AND REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS

75 Representation 106
76 Consultation 106

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

77 Method of amendment 106
78 Method of suspension 106

XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Regulation of the number of studies 107
Document preliminary to studies 107
Duration of studies 107
Appointment of special rapporteurs 107
Appointment of commentators 108
List of studies 108
Follow-up of studies 108
Time limit for the submission of documents 109
Immediate circulation of documents in working languages 109

CONTENTS (continued)

Page

XVI. RESOLUTIONS AND DECISIONS

Number of resolutions and decisions 109
Consultation 110
Sponsors 110
Consultations by the Chairman 110
Deadline for submission of draft resolutions or decisions 110

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

Speaking time 111
Allocation of time and sequence of speakers 111
Non-participation of experts concerned 111
Timing for consideration of "human rights situations" 111

XVIII. AGENDA ITEM ON 1503 PROCEDURE

Private meetings 112
Secret ballot 112
Inapplicability of 1503 procedure 112

I. SESSIONS

Rule 1[1] (Number of sessions)

Unless the Economic and Social Council (the Council) decides otherwise, the Sub-Commission shall hold a session annually.

Rule 2 (Date of opening)

1. The date of opening of each session of the Sub-Commission shall be fixed by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, whenever practicable, with the Chairman of the Sub-Commission.

A minute of silence

The Sub-Commission observes, at the opening of each session, a minute of silence in memory of victims of all forms of violations of human rights in all regions of the world. [decision 1994/101 amended in 1997]

Rule 3 (Place of sessions)

The session shall be held at the Headquarters of the United Nations unless another place is designated by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

Rule 4 (Notification of opening date of sessions)

The Secretary-General shall notify the members of the Sub-Commission of the date and place of the first meeting of each session at least six weeks in advance.

---

[1] The term "rule" as used in the sub-headings of this text is a reference to one the rules of procedure of the functional commissions of the Economic and Social Council (E/1975/Rev.1). Whenever appropriate, technical changes have been made to the wording of a rule without affecting its substance. References to decisions and practices of the Sub-Commission relating to the rules of procedure appear in smaller print. Sources, if any, are indicated between square brackets. The guidelines referred to in the text may be found in the annex to resolution 1992/8 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1992. Supplements to the guidelines are contained in document E/CN.4/Sub.2/1994/3 as approved by the Sub-Commission in its decision 1994/117.

II. AGENDA

Rule 5 (Drawing up of the provisional agenda)

1. The Secretary-General, in consultation with the Chairman whenever possible, shall draw up the provisional agenda for each session.

2. The provisional agenda shall include all items required by these rules as well as items proposed by:

(a) The Sub-Commission at the previous session,

(b) The General Assembly,

(c) The Economic and Social Council,

(d) The Commission on Human Rights,

(e) The Secretary-General.

2 bis. The provisional agenda may include, when the Secretary-General and the Chairman fully agree, such items as proposed by:

(a) A working group of the Sub-Commission,

(b) A member of the Sub-Commission,

(c) A specialized agency, subject to rule 72,

(d) A non-governmental organization, subject to paragraph 4 of this rule.

3. Items proposed for inclusion in the provisional agenda pursuant to paragraph 2 bis shall be submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the opening of each session.

4. (a) Non-governmental organizations having general consultative status may propose items for the provisional agenda provided that:

(i) An organization that intends to propose such an item shall inform the Secretary-General of such intention at least nine weeks before the opening of the session, and before formally proposing item(s) shall give due consideration to any comments the Secretary-General may make,

(ii) The proposal shall be formally submitted with basic documents not less than seven weeks before the commencement of the session,

(b) An item proposed in accordance with the provisions of this paragraph shall be included in the agenda of the Sub-Commission if it is adopted by a two-thirds majority of the members present and voting.

Rule 6 (Communication of provisional agenda)

1. The Secretary-General shall communicate to all members of the Sub-Commission the annotated provisional agenda, not less than six weeks before the opening of the session.

2. In exceptional circumstances, the Secretary-General may, for reasons to be specified in writing, transmit the basic documentation relating to items of the provisional agenda not less than four weeks before the opening of the session.

Rule 7 (Adoption of the agenda)

The Sub-Commission shall at the beginning of each session, after the election of its officers, in accordance with rule 15, adopt the agenda for that session on the basis of the provisional agenda referred to in rule 5.

Rule 8 (Revision of the agenda)

During a session, the Sub-Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 9 (Draft provisional agenda for subsequent session)

At each session of the Sub-Commission, the Secretary-General shall submit a draft provisional agenda for the Sub-Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Sub-Commission to consider the documents from the point of view of their contribution to the work of the Sub-Commission and of their urgency and relevance in the light of the current situation.

III. REPRESENTATION

Rule 10 (Terms of office of members)

Unless the Council decides otherwise, the term of office of members of the Sub-Commission shall begin when they are elected at the election held biennially by the Commission on Human Rights and shall end when they are not elected at the election held four years later by the Commission.

Definition of "member"

In the Sub-Commission, the term "members" is used to mean both "experts and their alternates" and "experts or their alternates", as the case may be.

Rule 11 (Representatives)

[Not applicable to the Sub-Commission.]

Rule 12 (Rights of representatives pending confirmation)

[Not applicable to the Sub-Commission.]

Rule 13 (Alternates)

1. Each member of the United Nations may designate an "alternate" to act in place of an "expert" to be elected together with the "expert" at the election provided for in rule 10. When acting as "expert", the "alternate" so designated shall have the same status as an "expert", including the right to vote.

2. [Not applicable to the Sub-Commission.]

Rights of alternates

1. Alternates may attend all the meetings of the Sub-Commission, both public and private, together with their respective experts.

2. Alternates may be elected as officers only when appropriate experts are not available.

3. Alternates may not replace their respective experts who are acting as the Chairman or Rapporteur unless the Sub-Commission decides otherwise.

4. Alternates may not take the seats of their respective experts who are on the podium.

5. An alternate may participate in the debate only if the expert is absent. The expert and the alternate shall not take the floor under the same item of the agenda.

6. When a sponsor of a resolution is not present at the time of the vote, but an expert/alternate of the same nationality is present, that sponsorship shall remain valid unless the other expert/alternate of the same nationality expressly renounces it.

Rule 14 (Advisers)

[Not applicable to the Sub-Commission.]

Advisers and assistants

Members may be accompanied by their advisers and/or assistants during the public meetings, if necessary.

IV. OFFICERS

Rule 15 (Election of officers)

At the commencement of the first meeting of a regular session, the Sub-Commission shall elect, from among its members, a Chairman, three Vice-Chairmen, without priority, and a Rapporteur.

Geographical rotation of officers

1. The Chairman will be elected in turns from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Eastern Europe, Western Europe and others, Latin America, Asia, Africa.

2. The Rapporteur will be elected from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Africa, Asia, Western Europe and others, Eastern Europe, Latin America.

Rule 16 (Term of office)

The officers of the Sub-Commission shall, subject to rule 19, hold office until their successors are elected.

Rule 17 (Acting Chairman)

1. If the Chairman finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. If the Chairman ceases to hold office pursuant to rule 19, the remaining officers shall designate one of the Vice-Chairmen to take his place until the election of a new Chairman.

Rule 18 (Powers of the Acting Chairman)

A Vice-Chairman acting as Chairman shall have the powers and duties of the Chairman.

Rule 19 (Replacement of the Chairman or other officers)

If the Chairman or any other officer is unable to carry out his functions or ceases to be a member of the Sub-Commission, he shall cease to hold such office and a new officer shall be elected for the unexpired term.

Rule 20 (Voting rights of the officers)

The Chairman shall have the right to vote.

Voting by officers

1. In the practice of the Sub-Commission, the Chairman will abstain from exercising his voting right when he is chairing the meeting.

2. The Vice-Chairmen not acting as Chairman and the Rapporteur may exercise their voting rights.

V. SUBSIDIARY ORGANS

Rule 21 (Establishment of working groups)

1. During a session, the Sub-Commission may set up such working groups composed of members of the Sub-Commission as are deemed necessary and refer to them any questions on the agenda for study and report.

2. With the prior approval of the Council and in agreement with the Secretary-General such working groups may be authorized to sit while the Sub-Commission is not in session.

3. The members of working groups of the Sub-Commission shall be nominated by the Chairman, at the recommendation of the five geographic regions and subject to the approval of the Sub-Commission.

Geographical distribution of chairmen of working groups

In electing its chairman-rapporteur, each working group shall pay due consideration to geographical distribution, taking account of the nationalities of the chairmen-rapporteurs already elected in other working groups.

Rule 22 (Establishment of Sub-Commissions)

[Not applicable to the Sub-Commission.]

Rule 23 (Officers)

Unless the Sub-Commission decides otherwise, its working groups shall elect their own officers.

Officers of working groups

1. In principle, the working groups are expected to elect a chairman and a rapporteur.

2. The working groups, however, may elect, at their own discretion, only one person to serve as chairman-rapporteur.

Rule 24 (Rules of procedure)

The rules of procedure of the Sub-Commission shall apply to the proceedings of its working groups insofar as they are applicable.

VI. SECRETARIAT

Rule 25 (Duties of the Secretary-General)

1. The Secretary-General shall act in that capacity in all meetings of the Sub-Commission. He may designate a member of the Secretariat to act as his representative.

2. He shall provide and direct the staff required by the Sub-Commission and be responsible for all the arrangements that may be necessary for its meetings.

3. He shall keep the members of the Sub-Commission informed of any questions that may be brought before it for consideration.

Rule 26 (Duties of the Secretariat)

The Secretariat shall:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate documents;

(c) Print, publish and circulate as appropriate the records of the sessions, the resolutions of the Sub-Commission and the required documentation;

(d) Have custody of the documents in the archives, and

(e) Generally perform all other work that may be required.

Rule 27 (Statements by the Secretariat)

The Secretary-General or his representative may, subject to rule 43, make oral as well as written statements to the Sub-Commission concerning any question under consideration.

Rule 28 (Estimate of expenditure)

1. Before a proposal involving the expenditure of United Nations funds is approved by the Sub-Commission, the Secretary-General shall prepare and provide to the Sub-Commission an estimate of the programme budget implications of implementing the proposal. The Chairman shall draw attention to that estimate and invite discussion on it when the proposal is considered by the Sub-Commission.

2. Any programme budget proposal recommended by the Sub-Commission to the Council for its approval, through the Commission on Human Rights, must be stated in terms of the objectives to be achieved.

VII. LANGUAGES

Rule 29 (Official and working languages)

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Sub-Commission.

Registration of preference of working languages

> The members of the Sub-Commission shall register with the Secretariat in which working language they may wish to receive studies, working papers and any other documents.

Rule 30 (Interpretation)

1. Speeches made in an official language shall be interpreted into the other official languages.

2. A speaker may speak in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 31 (Languages of records)

Records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by a member.

Rule 32 (Languages of resolutions and other formal decisions)

All resolutions, recommendations and other formal decisions of the Sub-Commission shall be made available in the official languages.

VIII. RECORDS AND REPORTS

Rule 33 (Sound recordings of meetings)

Sound recordings of meetings of the Sub-Commission shall be made and kept by the Secretariat. Such recordings may also be made and kept of the meetings of working groups if so decided by the Sub-Commission.

Rule 34 (Summary records of meetings)

No summary records of meetings of the Sub-Commission or its working groups shall be provided, unless these have been specifically authorized by the Council.

Rule 35 (Records of public meetings)

1. Summary records of the public meetings of the Sub-Commission and its working groups, where authorized and required, shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Sub-Commission or of the working groups, and to any other participants in the meeting, who may, within one week of their receipt, submit corrections to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Corrections will be consolidated in a single corrigendum to be issued after the end of the session.

2. The summary records and the consolidated corrigendum thereto shall be distributed promptly to the Members of the United Nations and to the specialized agencies. On publication, these records may be consulted by the public.

Rule 36 (Records of private meetings)

The records of private meetings of the Sub-Commission shall be distributed promptly to the members of the Sub-Commission. They shall be made available to other Members of the United Nations upon decision of the Sub-Commission. They may be made public at such time and under such conditions as the Sub-Commission may decide.

Rule 37 (Report to the Commission)

The Sub-Commission shall submit to the Commission on Human Rights a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Commission. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Commission.

Rule 38 (Communication of formal decisions and reports)

As soon as possible, the text of the formal decisions and reports adopted by the Sub-Commission shall be distributed to all members of the Sub-Commission and to any other participants in the session. The printed text of such decisions and reports shall be distributed as soon as possible after the close of the session to the Members of the United Nations, to the specialized agencies, to the intergovernmental organizations referred to in rule 74 and to the concerned non-governmental organizations having general or special consultative status or on the Roster.

IX. PUBLIC OR PRIVATE MEETINGS

Rule 39 (General principle)

Unless the Sub-Commission decides otherwise its meetings shall be held in public.

Private meetings

The Sub-Commission considers the "1503 procedure" in private meetings, in accordance with paragraph 5 of Council resolution 1503 (XLVIII).

Holding a private meeting

The Sub-Commission may at any time decide to hold a private meeting when such a private meeting may facilitate an exchange of views among its members.

X. CONDUCT OF BUSINESS

Rule 40 (Quorum)

A majority of the members of the Sub-Commission shall constitute a quorum.

Schedule of meetings

In accordance with an established practice, meetings not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

[Guideline No. 13]

Rule 41 (General powers of the Chairman)

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Sub-Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have complete control of the proceedings of the Sub-Commission and over the maintenance of order at its meetings. He shall rule on points of order. He may propose to the Sub-Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Sub-Commission.

Rule 42 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Chairman in accordance with these rules. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting.

2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Interruption of a point of order

> A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under discussion.

Rule 43 (Speeches)

1. No one may address the Sub-Commission without having previously obtained the permission of the Chairman. Subject to rules 42, 45 and 48 to 50, the Chairman shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Sub-Commission and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Sub-Commission may limit the time allowed to speakers and the number of times each member may speak on any question; permission to speak on a motion to set such limits shall be accorded only to two members favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Sub-Commission decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Absence of speakers

> Once the list of speakers on any particular item has been established, those observers who are not present in the meeting when their names are called by the Chairman may lose the right to speak on the agenda item under consideration, unless otherwise decided by the Sub-Commission.

Regulation of statements

> Under the agenda item "human rights situations", non-governmental organization (NGO) observers may be requested to speak, in accordance with the Chairman's instruction, not in the order in which they inscribed their names in the speakers' list, but together with other NGOs wishing to speak on the human rights situation in the same country.

Order of statements

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;

3. Government observers.

[Guideline No. 14]

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on the agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each agenda item in accordance with the following rules, unless the Bureau decides otherwise:

(a) Members of the Sub-Commission:

  (i) Twenty minutes maximum, which may be divided into one or several statements;

  (ii) Thirty-five minutes maximum, for the presentation of a study or a working paper, to be divided by the author between explanatory remarks and the conclusion;

(b) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in the case of a joint statement);

(c) Government observers:

  (i) Ten minutes maximum (and 14 minutes in total if the item contains several sub-items);

  (ii) Five minutes maximum in connection with a right of reply or three minutes maximum in connection with a second right of rejoinder, as the case may be;

  (iii) Five minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated. A government observer of such an implicated country may make a statement immediately after voting instead of before voting. [Chairman's ruling during the forty-eighth session in 1996.]

[Guideline No. 16]

Statements on "human rights situations"

1. Speaking time

(a) Maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 6 p.m. on the day before the opening of debate on that agenda item. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by observers referred to above;

(b) The supplementary guideline under (a) above also applies to government observers who wish to provide information on human rights developments in their countries, provided they have signed up to speak before the closure of the list mentioned. Under the agenda item "human rights situations", governmental observers shall not address the human rights situations in countries other than their own;

(c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) above and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a) above, but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

2. Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under points 1 (a) and (b) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by the members of the Sub-Commission.

[Supplement to guideline No. 16]

Limitations on statements

1. An NGO observer may not speak twice under the same agenda item, even if he represents more than one NGO.

2. Once an observer has raised a particular issue on a human rights situation under one agenda item, he may not raise the same issue under another agenda item.

Rule 44 (Closing of list of speakers)

During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Sub-Commission, declare the list closed. When there are no more speakers, the Chairman shall, with the consent of the Sub-Commission, declare the debate closed. Such closure shall have the same effect as closure by decision of the Sub-Commission.

List of speakers

1. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Closure of speakers' list on "human rights situations"

The closure of the list of speakers should be set at 6 p.m. on the day before the opening of the agenda item "human rights situations".

[Supplement to guideline No. 16]

Rule 45 (Right of reply)

The right of reply shall be accorded by the Chairman to any government observer who requests it. Government observers should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Timing for the right of reply

1. The right of reply shall normally be exercised after the exhaustion of the list of speakers but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

2. The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list of speakers speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

[Supplement to guideline No. 16]

Rule 46 (Congratulations)

Congratulations to the newly elected officers shall be expressed only by the outgoing Chairman or one of the Vice-Chairmen designated by the outgoing Chairman.

Further congratulations

Further congratulations should be avoided and/or abbreviated, insofar as possible.

Rule 47 (Condolences)

Condolences shall be expressed solely by the Chairman on behalf of all members. The Chairman, with the agreement of the Sub-Commission, may dispatch a message on behalf of all members of the Sub-Commission.

Rule 48 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 49 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 50 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 51 (Order of motions)

Subject to rule 42, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 52 (Submission of proposals and substantive amendments)

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General. Unless the Sub-Commission decides otherwise, proposals and substantive amendments shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members.

Rule 53 (Withdrawal of proposals and motions)

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54 (Decisions on competence)

A motion calling for a decision on the competence of the Sub-Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 55 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Sub-Commission so decides. Permission to speak on a motion to reconsider shall be accorded only to two members opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Rule 56 (Voting rights)

Each member of the Sub-Commission shall have one vote.

Rule 57 (Request for a vote)

A proposal or motion before the Sub-Commission for decision shall be voted upon if any member so requests. When no member requests a vote, the Sub-Commission may adopt proposals or motions without a vote.

Rule 58 (Majority required)

1. Except as provided in rule 5 (4) (ii), decisions of the Sub-Commission shall be made by a majority of the members present and voting.

2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 59 (Method of voting)

1. Except as provided in rule 66, the Sub-Commission shall normally vote by show of hands, except that a member may request a roll-call which shall be taken in the English

alphabetical order of the names of the members of the Sub-Commission, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in all roll-calls, and he shall reply "yes", "no" or "abstention".

2. The vote of each member participating in any roll-call shall be inserted in the record.

Secret ballot

1. The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [Decisions 1989/101, 1990/111]

2. The Sub-Commission decided, pursuant to Council resolution 1991/32, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature. [Decision 1998/102]

Rule 60 (Explanation of vote)

Members may make brief statements consisting solely of the explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

No explanation of vote by secret ballot

It has been the established practice, as well as a logical consequence of that practice, that members may not speak in explanation of vote, either before or after voting, when the vote is by secret ballot.

Rule 61 (Conduct during voting)

After the Chairman has announced the commencement of voting, no member may interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 62 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 63 (Amendments)

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

Rule 64 (Order of voting on amendments)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

Rule 65 (Order of voting on proposals)

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Sub-Commission decides otherwise, be voted on in the order in which they were submitted. The Sub-Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

2. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 66 (Elections)

All elections shall be held by secret ballot, unless, in the absence of any objection, the Sub-Commission decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 67 (Elections (2))

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 68 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

Rule 69 (Participation of States)

1. The Sub-Commission shall invite any Member of the United Nations and any other State to send its representatives to the public meetings of the Sub-Commission as government observers.

2. A working group of the Sub-Commission shall invite any State to send its representatives to the public meetings of the working group as government observers.

3. A State thus invited shall not have the right to vote.

Rule 70 (Participation of national liberation movements)

The Sub-Commission may invite any national liberation movement recognized by or in accordance with resolutions of the General Assembly to send its representative to public meetings of the Sub-Commission as observers without the right to vote.

Rule 71 (Participation of specialized agencies)

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

(a) To be represented at public meetings of the Sub-Commission and its working groups;

(b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them.

Rule 72 (Consultation with specialized agencies)

Before the Secretary-General places an item proposed by a specialized agency on the provisional agenda of the Sub-Commission, he shall carry out with the agency concerned such preliminary consultation as may be necessary.

Rule 73 (Consultation with specialized agencies (2))

1. Where an item proposed for inclusion in the provisional agenda for a session or added to the agenda under rule 5 contains a proposal for new activities to be undertaken by the United Nations relating to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall enter into consultation with the agencies concerned and report to the Sub-Commission on the means of achieving a coordinated use of the resources of the respective agencies.

2. When in the course of a meeting of the Sub-Commission a proposal is made for new activities to be undertaken by the United Nations related to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall, after such consultation as may be possible with the representatives of the agencies concerned, draw the attention of the Sub-Commission to the implications of the proposal.

3. Before deciding on proposals referred to above, the Sub-Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned.

Rule 74 (Participation of other intergovernmental organizations)

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on a continuing basis by the Council or invited by the Sub-Commission may participate, without the right to vote, in the deliberations at the public meetings of the Sub-Commission on questions within the scope of the activities of the organizations.

XIII. CONSULTATION WITH AND REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS

Rule 75 (Representation)

Non-governmental organizations having general or special consultative status may designate authorized representatives to sit as observers at public meetings of the Sub-Commission and its working groups. Those on the Roster may have representatives present at such meetings when matters within their field of competence are being discussed.

Rule 76 (Consultation)

1. The Sub-Commission may consult with organizations having general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the invitation of the Sub-Commission or at the request of the organization.

2. On the recommendation of the Secretary-General and at the request of the Sub-Commission, organizations on the Roster may also be heard by the Sub-Commission.

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 77 (Method of amendment)

Only the Council may amend these rules.

Rule 78 (Method of suspension)

A rule of procedure may be temporarily suspended by the Sub-Commission provided that such suspension shall not be inconsistent with any applicable decisions of the Council and provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no member objects. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Regulation of the number of studies

1. When the number of ongoing studies entrusted to special rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds 13, the members of the Sub-Commission should hold consultations in order to establish priorities.

[Guideline No. 1]

Document preliminary to studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object and the general outlines envisaged, as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

[Guideline No. 2]

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the special rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

[Guideline No. 3]

Appointment of special rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing special rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the

Rapporteur of the Sub-Commission shall be entrusted with the task of collecting the proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purpose of agreeing and deciding on them.

[Guideline No. 4]

2. No alternate should undertake a study if an expert is willing to do so.

Appointment of commentators

1. The author of a study may appoint a maximum of two members of the Sub-Commission as commentators to undertake an in-depth analysis of the study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment at any time under the agenda item being discussed, on the report submitted for consideration.

[Guideline No. 5]

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies, with the relevant symbol numbers, containing the following information:

(a) Title of the study;

(b) Name of the author;

(c) Legislative authority;

(d) Timetable for the study;

(e) Effective date of submission of the preliminary, interim (progress) or final report.

[Guideline No. 6]

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and an indication of the total amount, for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study, follow-up given to these recommendations, in respect of rules, measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

[Guideline No. 7]

Time limit for the submission of documents

1. Special rapporteurs and other members entrusted with the task of preparing studies, working papers and any other documents for submission to the Sub-Commission shall submit them to the secretariat at the latest 10 weeks prior to the session.

2. Studies, working papers and any other documents not submitted by the above time limit may not be considered at the next session, unless the Sub-Commission decides otherwise.

Immediate circulation of documents in working languages

1. As soon as studies, working papers and any other documents become ready for circulation in all working languages, the secretariat shall send them immediately to the members of the Sub-Commission in accordance with their preference of languages registered with the secretariat. No document will be discussed by the Sub-Commission until it has been translated into at least the three working languages, unless the Sub-Commission decides otherwise.

2. The secretariat shall send to the members of the Sub-Commission the following documents, at the latest four weeks prior to the session:

(a) The annotated agenda and other documents relating to the session;

(b) Studies, working papers and any other documents submitted to the secretariat at the latest 10 weeks prior to the session.

XVI. RESOLUTIONS AND DECISIONS

Number of resolutions and decisions

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline for the purpose of reducing their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Council for adoption;

(c) Resolutions of whatever category concerning the human rights situations in a given country;

(c) Resolutions of whatever category concerning the human rights situations in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents setting out the financial implications of resolutions and decisions, submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Council.

[Guideline No. 8]

Consultation

If the total number of intended resolutions and/or decisions risks being too high, the Chairman will consult with those members who intend to submit more than one resolution and/or decision so that a balance may be maintained among the members.

Sponsors

If, when a draft resolution or decision is submitted, the Chairman notes that the signatures of at least four sponsors have not been obtained, he may, in consultation with the officers, invite the author or, if appropriate, the other sponsors, to withdraw their draft. If the author or a single sponsor objects, the draft shall be kept on the agenda.

[Guideline No. 10]

Consultations by the Chairman

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairman that meets their approval and that would appear *in extenso* in the report of the Sub-Commission and in the summary record.

[Guideline No. 11]

Deadline for submission of draft resolutions or decisions

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Council, draft resolutions and decisions should be submitted at least three working days before the date on which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

[Guideline No. 12]

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

Speaking time

(a) As a guideline supplemental to guideline No. 16, maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 6 p.m. on the day before the opening of the agenda item "human rights situations". Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by observers referred to above;

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the speakers' list. Government observers should normally avoid, under the agenda item "human rights situations", referring to human rights situations in countries other than their own;

(c) Speaking time for a government observer exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

[Supplement to guideline No. 16]

Allocation of time and sequence of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under point (a) above speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission shall normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

Non-participation of experts concerned

When examining a situation which appears to reveal a pattern of gross and consistent violations of human rights in a country of which an expert of the Sub-Commission is a national, it would be desirable that the expert concerned not participate in the debate. The ultimate decision on whether or not such expert will intervene in the public discussion remains the responsibility of the expert concerned. [Note by the Chairman (E/CN.4/Sub.2/1998/38, para. 28)]

Timing for consideration of "human rights situations"

The Sub-Commission decided that it would continue the practice of considering the agenda item on "human rights situations" two days after the opening of the session.

XVIII. AGENDA ITEM ON 1503 PROCEDURE

Private meetings

The Council decided that consideration of the procedure provided for in its resolution 1503 (XLVIII) shall be made in private meetings.

Secret ballot

The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [Decisions 1989/101, 1990/111]

Inapplicability of 1503 procedure

The Sub-Commission decided to concur with the view expressed by the Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War. [Decision 1991/104]

[See chap. III.]

1999/115. Rationalization of the work of the Commission on Human Rights

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, having analysed, and concerned at, the content of observation 27 in document E/CN.4/1999/104, in which the Bureau of the fifty-fourth session of the Commission on Human Rights expressed the view that "the need for [considering fundamental reform measures with respect to the Sub-Commission] ... is all the more compelling given that the Sub-Commission is by far the most expensive of the Commission's subsidiary mechanisms, the cost of its annual session being higher than that of the Commission itself", and having discussed the ample financial information on this issue provided, at its request, by the representative of the High Commissioner for Human Rights, the Sub-Commission decided, without a vote, to request the Secretary-General to submit to the Commission's inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights and to the Commission itself at its fifty-sixth session, for their consideration, all pertinent official data (in particular under chapters 22 and 27 of the regular budget) on all the respective estimated costs of the activities carried out by or programmed for the Sub-Commission, the Commission itself, and all other mechanisms of the Commission mentioned in chapters II, III and V of document E/CN.4/1999/104 during the current biennium.

[See chap. III.]

1999/116. Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of the inter-sessional and pre-sessional working groups of the Sub-Commission:

Regional group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Africa	Mr. Yimer	Mr. Guissé	Mr. Mehedi	Ms. Warzazi
	Mr. Oloka-Onyango (alternate)		Mr. Khalil (alternate)	Mr. Sik Yuen (alternate)
Asia	Mr. Fan Guoxiang	Mr. Yokota	Mr. Sorabjee	Mr. Park
	Mr. Zhong Shukong (alternate)			Mr. Goonesekere (alternate)
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martinez	Mr. Bengoa	Mr. Pinheiro
	Mr. Alfonso Martinez (alternate)	Mr. Bengoa (alternate)	Mr. Gomez-Robledo Verduzco (alternate)	Mr. Fix Zamudio (alternate)
Eastern Europe	Mr. Ramishvili	Ms. Motoc	Mr. Kartashkin	Mr. Shamshur
	Mr. Kartashkin (alternate)	Mr. Shamshur (alternate)	Ms. Motoc (alternate)	
Western Europe	Mr. Weissbrodt	Ms. Daes	Mr. Eide	Ms. Koufa
	Mr. Bossuyt (alternate)	Ms. Hampson (alternate)	Ms. Hampson (alternate)	Mr. Weissbrodt (alternate)

[See chaps. III, VIII, IX, X, XV.]

1999/117. Adjournment of the debate on part B of draft resolution E/CN.4/Sub.2/1999/L.18

At its 34th meeting, on 27 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adjourn the debate on part B of draft resolution E/CN.4/Sub.2/1999/L.18, entitled "Situation of long-term refugees and internally displaced persons", until its fifty-second session.

[See chap. IV.]

C. Chairperson's statements

Situation of human rights in Togo

Concerned by the allegations that several hundred people were victims of extrajudicial executions in Togo in 1998, the Sub-Commission has taken note of the controversy which has arisen as to whether or not, or the extent to which, these allegations are true,

Considering that, on account of this controversy, it was urgent that appropriate and effective investigation be undertaken in accordance with international norms and in an impartial and independent manner, so as to establish the truth,

Following the constructive discussions which the Togolese delegation had, including with the Office of the United Nations High Commissioner for Human Rights and members of the Sub-Commission,

The Sub-Commission:

(a) On the one hand, welcomes with satisfaction the initiative of the Government of Togo to create an international commission of inquiry in accordance with international norms;

(b) On the other hand, welcomes favourably the proposal of the Government of Togo to request the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to set up the commission of inquiry in accordance with international norms;

(c) Notes the willingness of the Government of Togo to ask the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to provide, as required, the assistance necessary for the proper functioning of the international commission of inquiry;

In addition, taking account of the observations of the Sub-Commission, the Government of Togo has undertaken:

(a) To provide the international commission of inquiry with help and assistance so that it will be able to accomplish its task with competence and within a reasonable time, in accordance with international norms;

(b) To take all appropriate measures to ensure that the competent authorities cooperate fully with the international commission of inquiry.

The Sub-Commission would request to be informed by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, at its next session, of the results of the efforts undertaken in the framework of the present statement.

24th meeting
20 August 1999
[Agreed on by consensus. See chap. IV.]

Situation of human rights in Belarus

I would like to thank the Ambassador for his statement. It is my understanding, based on what you have just said, Mr. Ambassador, that the Government of Belarus is prepared to take the following steps in order to further promote and protect human rights within the country.

First, that the Government of Belarus will invite the Special Rapporteur on the independence of judges and lawyers and the Working Group on Arbitrary Detention to visit the country, and that at least one of these visits will actually take place before the Sub-Commission convenes at the beginning of August 2000.

Second, that the Government of Belarus will undertake to do everything necessary during this coming year to join the Council of Europe and then sign and ratify the European Convention on Human Rights. The Government of Belarus will also make best efforts to withdraw its reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prior to the Sub-Commission convening at the beginning of August 2000.

Third, the Government of Belarus will undertake a series of legislative reforms to improve the protection of human rights and democracy. For example, next year the Government of Belarus will create a post of independent Ombudsman and hold free and fair parliamentary elections. The Government of Belarus also recognizes that free and fair elections require at least providing equal access to the State-controlled media, ensuring that newspapers and magazines are not subject to censorship, and ensuring freedom of assembly and the right to peaceful demonstration.

Fourth, the Government of Belarus will prepare a written report to the Sub-Commission as to the steps it has taken in this regard and will submit that report in time to be distributed at the Sub-Commission's session in August 2000.

I would like to express my gratitude to the delegation of Belarus, and to the Ambassador for his statement. This statement is a very important indication of good will and commitment to the improvement of human rights within the country. These are very positive developments and the Sub-Commission will look forward to the progress that Belarus will make in the area of human rights over the coming year.

24th meeting
20 August 1999
[Agreed on by consensus. See chap. IV.]

Situation of human rights in Indonesia

The Sub-Commission on the Promotion and Protection of Human Rights is encouraged by the significant improvements taking place in Indonesia towards protection of human rights. It has taken note of the lifting of restrictions on political parties and the holding in 1999 of the first free elections in 45 years in the context of a process of democratization, including liberalization of the press and an active civil society. The Sub-Commission also welcomes the submission of the new draft law on human rights and the new draft revision of the law relating to the judiciary, as well as the commitment of the Government to securing the independence of the judiciary, possibly by constitutional amendment, decisions of the People's Consultative Assembly and/or by statute. The Sub-Commission further welcomes the legal and practical separation of the national civilian police and the armed forces in April 1999 and further developments to separate them completely in two years. The five-year National Action Plan on Human Rights commits the Government to the ratification of eight treaties: the Government has thus already ratified the core conventions of the International Labour Organization, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of Racial Discrimination.

The Sub-Commission remains concerned, however, at the persistent reports of human rights violations, including extrajudicial killings and ill-treatment, as well as continued serious violence and abuses, for example in Aceh and Ambon. The Government has taken various actions to deal with some of these concerns, for example by promoting dialogue and reconciliation in various regions, including Irian Jaya, releasing a substantial number of political prisoners and prisoners of conscience from different parts of the country, and bringing to justice or dismissing some police officers and soldiers. In its statement to the Sub-Commission the Government also committed itself to continuing to bring to justice those who violate human rights, humanitarian law and criminal law, so as to combat impunity.

The Sub-Commission notes that in April 1999 the Government announced at the fifty-fifth session of the Commission on Human Rights that it had decided to ratify both International Covenants on Human Rights during the year 2000. It is hoped that the Government will then begin to consider ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights.

The Sub-Commission notes with satisfaction that the Government of Indonesia has already received visits from the thematic mechanisms of the Commission on Human Rights on torture (1991), extrajudicial, summary or arbitrary executions (1995), violence against women (1998) and arbitrary detention (1999). The Sub-Commission is pleased by continuing efforts to implement the recommendations of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women. It encourages the Government of Indonesia to continue its cooperation with the thematic mechanisms of the Commission, for example by inviting the special rapporteurs for follow-up visits, and welcomes discussions towards inviting the Special Rapporteur on the independence of judges and lawyers in the context of the planned reform of the judicial system.

In conclusion, the Sub-Commission expresses its thanks for the cooperation of the Government of Indonesia and looks forward to further dialogue and discussion.

31st meeting
25 August 1999
[Agreed on by consensus. See chap. IV.]

Situation of human rights in Mexico

The Sub-Commission on the Promotion and Protection of Human Rights welcomes the positive developments which have taken place within Mexico since last year. These developments have included the ratification by the Government of Mexico of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 12 November 1998, as well as ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women on 3 December 1998. The Sub-Commission is also particularly pleased that the Government of Mexico established the National Programme for the Defence and Promotion of Human Rights on 21 December 1998. These initiatives by the Government of Mexico may help to ensure a situation in which human rights are increasingly respected and observed. In particular, the Sub-Commission welcomes the provisions of the National Programme which establish special social programmes relating to the promotion of human rights education, securing the human rights of women and children, and the alleviation of poverty. The Sub-Commission also notes that on 6 June 1999 the Federal Congress of Mexico approved a constitutional amendment providing for the complete autonomy of the National Commission of Human Rights.

The Sub-Commission, however, wishes to express its continuing concern over the human rights situation in Mexico and notes persistent allegations of torture, extrajudicial executions and disappearances, as well as violations perpetrated against indigenous communities within the country. The Sub-Commission also notes the concluding observations of the Human Rights Committee of 27 July 1999, in which the Committee expressed concern at the increase in actions by the armed forces within society, particularly in the states of Chiapas, Guerrero and Oaxaca. The Sub-Commission requests the Government of Mexico to take further steps urgently to implement the National Programme for the Defence and Promotion of Human Rights, as well as to investigate all human rights violations, committed by both State and non-State forces, and to take effective and concrete steps to bring the perpetrators to justice in accordance with international human rights standards.

The Sub-Commission also takes note of the invitation addressed to the Chairperson of the Working Group on Indigenous Populations, Ms. Erica Irene Daes, by the Instituto Nacional Indigenista. In this respect, the Sub-Commission understands that the Office of the United Nations High Commissioner for Human Rights has been contacted regarding the financial implications of such a visit.

31st meeting
25 August 1999
[Agreed on by consensus. See chap. IV.]

Persons in Nepal claiming to be refugees from Bhutan

The Sub-Commission on the Promotion and Protection of Human Rights recalls the Chairperson's statement made at its fiftieth session (E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. IV, para. 41), in which the Sub-Commission expressed its deep concern over the human rights situation of persons mainly of Nepalese ethnicity who claim to be refugees from Bhutan and who during the past seven or eight years have been living in camps in Nepal administered by the Office of the United Nations High Commissioner for Refugees. In that statement, the Sub-Commission called on the Governments concerned to negotiate in good faith towards a peaceful solution consistent with international human rights standards, to set up an impartial verification process to verify the origin and nationality status of those who assert they are refugees and to negotiate the voluntary return under conditions of safety and dignity of those entitled to return.

The Sub-Commission notes with regret that no progress has so far been made in the resolution of the refugee situation, but expresses its great satisfaction that dates now have been set, in agreement between the two Governments concerned, for such negotiations to be held from 13 to 16 September 1999. It notes with appreciation the expressed intention of the two Governments to seek a solution to this problem and their willingness to extend their cooperation to the Sub-Commission by providing information on initiatives taken to proceed with negotiations.

The Sub-Commission reiterates its hope that the meeting will result in an agreement on criteria to be applied and that an effective and impartial verification process will be set in motion at the earliest possible time, that the economic, social and cultural rights of those who are entitled to return are ensured by the Government of Bhutan and that, similarly, the economic, social and cultural rights of those who are not entitled to return to Bhutan are ensured by the Government of Nepal or that of any other country to which they belong.

It reiterates its suggestion to the two Governments that they avail themselves of technical assistance from the Office of the United Nations High Commissioner for Human Rights and from the Office of the United Nations High Commissioner for Refugees so as to facilitate a fair and lasting resolution which takes into account representations on behalf of the displaced population and the principles of international law relating to non-discrimination, the right to return, the right not to be arbitrarily deprived of one's nationality and the reduction of statelessness.

The Sub-Commission hopes that this refugee problem can be solved within the next year and decides to review at its next session the progress made.

34th meeting
27 August 1999
[Agreed on by consensus. See chap. IV.]

Kidnapping and hostage-taking

The Sub-Commission on the Promotion and Protection of Human Rights, considering the statements made at its forty-seventh and forty-eighth sessions relating to kidnapping and hostage-taking, as well as Commission on Human Rights resolutions 1997/28, 1998/73 and 1999/29 on hostage-taking and the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, reiterates its strongest condemnation of these practices and emphasizes that kidnapping and hostage-taking, of any kind, constitute a clear violation of minimum humanitarian norms applicable at all times and of common article 3 of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977.

The Sub-Commission again condemns these vile and barbaric methods, and urges all organizations that utilize them in order to achieve political advantage immediately to abandon these practices and liberate, without condition, the people they are holding in their power.

The Sub-Commission expresses its preoccupation concerning the increase in these practices around the world, particularly in Colombia where they have resulted in more than 10,000 victims in the past 10 years, and urges the guerrilla movements, the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and the Popular Liberation Army (EPL), the so-called United Self-Defence Forces of Colombia (AUC) and the paramilitary groups immediately to abandon these methods and promptly to liberate the persons they have deprived of liberty, especially the most vulnerable: children, the elderly, pregnant women and other humanitarian cases.

34th meeting
27 August 1999
[Agreed on by consensus. See chap. XIV.]

III. ORGANIZATION OF WORK

(a) ELECTION OF OFFICERS;

(b) ADOPTION OF THE AGENDA;

(c) METHODS OF WORK OF THE SUB-COMMISSION

Opening and duration of the session and number of meetings

1. The Sub-Commission on the Promotion and Protection of Human Rights held its fifty-first session at the United Nations Office at Geneva from 2 to 27 August 1999. It held 34 meetings (see E/CN.4/Sub.2/1999/SR.1-34), 8 of which were held in closed session (see E/CN.4/Sub.2/1999/SR.2, 3, 6-8, 28, 29 and part of SR.34).

2. The session was opened by Mr. El Hadji Guissé, Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fiftieth session, who made a statement. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, also addressed the Sub-Commission at its 1st meeting, on 2 August 1999.

Attendance

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by representatives of United Nations bodies, specialized agencies, and intergovernmental, non-governmental and other organizations. The attendance list is given in annex III to the present report.

Resolutions and documentation

4. The Sub-Commission adopted 30 resolutions, took 17 decisions and agreed on 6 Chairperson's statements. The texts of these resolutions, decisions and Chairperson's statements appear in chapter II, sections A, B and C, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

5. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its fifty-first session is provided in annex IV.

6. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.

7. A list of studies completed at the fifty-first session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.

8. A list of documents for the fifty-first session of the Sub-Commission appears in annex VII. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VII.

A. Election of officers

9. At its 1st meeting, on 2 August 1999, the Sub-Commission elected the following officers by acclamation:

Chairperson	Mr. Ribot Hatano
Vice-Chairpersons	Mr. Marc Bossuyt Mr. Mustapha Mehedi Mr. Teimuraz Ramishvili
Rapporteur	Mr. Paulo S. Pinheiro

10. At the same meeting, a statement was made by Mr. Joinet in connection with the election of Mr. Ramishvili.

B. Adoption of the agenda

11. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-first session (E/CN.4/Sub.2/1999/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fiftieth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

12. The agenda (see annex I) was adopted without a vote.

C. Methods of work of the Sub-Commission

13. At the 1st meeting, the Chairperson of the fifty-fifth session of the Commission on Human Rights, Ms. Anne Anderson, addressed the Sub-Commission, in accordance with Commission resolution 1999/81. In this connection, statements were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Eide, Mr. Joinet and Mr. Kartashkin.

14. The Sub-Commission considered sub-item 1 (c) of the agenda at its 2nd (closed), 3rd (closed), 6th (closed), 7th (closed), 8th (closed), 22nd and 27th meetings on 3, 4, 5, 6, 9, 19 and 23 August 1999.

15 At the 22nd meeting, on 19 August 1999

(a) Mr Marc Bossuyt, Chairperson-Rapporteur of the sessional working group on the methods of work of the Sub-Commission, presented the report of the working group (E/CN 4/Sub 2/1999/22),

(b) Mr Asbjørn Eide presented a paper on the common position of the Sub-Commission on its future tasks, length of sessions, working methods, composition and election of members (E/CN 4/Sub 2/1999/47)

16 At the same meeting, the Chief of the Administrative Section of the Office of the United Nations High Commissioner for Human Rights made a statement on administrative and budgetary matters and responded to statements made by members of the Sub-Commission

17 At the 27th meeting, on 23 August 1999, the Chief of the Administrative Section of the Office of the United Nations High Commissioner for Human Rights again made a statement on administrative and budgetary matters and responded to statements made by members of the Sub-Commission

18 In the general debate on agenda item 1, statements were made by members of the Sub-Commission and observers For a list of speakers, see annex II

Conduct of business

19 At the 2nd meeting, on 3 August 1999, the Commission considered the organization of its work and conduct of business

20 Upon the recommendation of its officers, the Sub-Commission decided, without a vote, the following with respect to sessional working groups

(a) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 (c) For the text of the decision, see chapter II, section B, decision 1999/101,

(b) To establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c) For the text of the decision, see chapter II, section B, decision 1999/102,

(c) Not to establish a sessional working group on the administration of justice at its fifty-first session and to consider the matter again at its next session For the text of the decision, see chapter II, section B, decision 1999/103

21 The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements Members of the Sub-Commission would be entitled to make one or more statements of 15 minutes per item Non-governmental organizations would be limited to one statement of 10 minutes per item and of 15 minutes for composite items or joint

statements. Government observers would be limited to one statement of 10 minutes per item and of 15 minutes for composite items. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations. In the case of a statement made immediately before a vote when a country was implicated, government observers would be limited to one statement of five minutes under the item concerned.

22. The Sub-Commission also accepted the recommendation that special rapporteurs should limit their statements to 20 minutes, to be divided between the introduction of the report and the concluding remarks.

23. It was agreed that, with regard to statements by government observers equivalent to a right of reply, a limitation to two replies, of five minutes for the first and of three minutes for the second, at the end of the general debate on any particular item(s), would be observed.

24. It was also agreed that the list of speakers would be opened at the beginning of the session for all participants to be inscribed for all agenda items. It was further agreed that if the list of speakers had not been exhausted during a particular meeting, the remaining speakers would be given the floor, in the same order, as the first speakers at the next meeting. The closure of the list of speakers on any particular item(s) would be announced by the Chairperson in advance, normally at the beginning of the consideration of each agenda item.

25. It was also agreed that, in order to respect editorial and other requirements, draft resolutions and decisions should be submitted at least three working days before the date on which they were scheduled to be considered. The deadlines for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

26. Also at its 2nd meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau.

27. At its 14th meeting, on 13 August 1999, the Sub-Commission accepted further recommendations of its officers regarding time management. Regarding speaking time, it was agreed that, in order to catch up with the timetable, the speaking time for all observers would be reduced to seven minutes per item. If the Sub-Commission was unable to catch up, further limitation of speaking time would be envisaged. Furthermore, all experts were requested to inform the secretariat at the beginning of the consideration of each agenda item if they intended to take the floor on the item.

Voting by secret ballot

28. At the 24th meeting, on 20 August 1999, Mr. Bossuyt proposed that the Sub-Commission should decide that, whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature, voting should be by secret ballot.

29. Mr. Alfonso Martinez proposed the deletion of the phrase "under any agenda item" and requested a roll-call vote on both his proposal and Mr. Bossuyt's proposal in its entirety.

30. Mr. Alfonso Martinez's proposal was rejected by a roll-call vote of 21 votes to 1, with 3 members not participating. The voting was as follows:

In favour:	Mr. Alfonso Martinez.
Against:	Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guisse, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Mr. Sorabjee, Ms. Udagama, Mr. Weissbrodt.
Not participating:	Mr. Fan, Ms. Warzazi, Mr. Yimer.

31. Mr. Bossuyt's proposal was adopted by a roll-call vote of 23 to 1, with 1 member not participating. The voting was as follows:

In favour:	Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Mr. Sorabjee, Ms. Udagama, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer.
Against:	Mr. Alfonso Martinez.
Not participating:	Mr. Fan.

32. Statements in this connection were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Eide, Mr. Fan, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

33. For the text of the decision, see chapter II, section B, decision 1999/104.

Other matters

34. At the 1st meeting, on 2 August 1999, in accordance with decision 1994/103 of the Sub-Commission and the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

35. At the same meeting, the Sub-Commission expressed its condolences to the Government and people of Morocco on the death of King Hassan II of Morocco. In this connection, a statement was made by Mr. Mehedi.

36. At the 2nd meeting, on 3 August 1999, in connection with the death of Mr. Neelan Thiruchelvam, a human rights defender from Sri Lanka, statements were made by Mr. Goonesekere and by the observers for Sri Lanka and the United States of America.

37. At the 20th meeting, on 18 August 1999, the Sub-Commission expressed its sympathy for the victims of the earthquake which had struck Turkey on 17 August 1999. In this connection, the observer for Turkey made a statement.

Methods of work of the Sub-Commission

38. At its 33rd meeting, on 26 August 1999, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.26, sponsored by Mr. Bossuyt, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Hatano, Mr. Shamshur and Ms. Warzazi.

39. Mr. Bossuyt orally revised the draft decision.

40. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/114.

Rationalization of the work of the Commission on Human Rights

41. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.47, sponsored by Mr. Alfonso Martinez. Mr. Bossuyt, Mr. Guissé, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt subsequently joined the sponsor.

42. A statement in connection with the draft decision was made by Mr. Alfonso Martinez.

43. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/115.

Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission

44. At the same meeting, the Sub-Commission considered a draft decision on the composition of the pre-sessional working groups of the Sub-Commission.

45. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/116.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

46. The Sub-Commission considered agenda item 2 at its 3rd to 6th, 24th, 25th, 30th, 31st, 33rd and 34th meetings, on 4, 5, 20, 24, 25, 26 and 27 August 1999.

47. For the list of documents issued under agenda item 2, see annex VII to the present report.

48. In the general debate on agenda item 2, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

49. At the 5th meeting, on 5 August 1999, in connection with a statement made by Mr. Zhong, statements were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Joinet, Mr. Kartashkin and Ms. Warzazi.

Situation of human rights in Togo

50. At the 24th meeting, on 20 August 1999, Mr. Joinet withdrew draft resolution E/CN.4/Sub.2/1999/L.7, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Togo

"The Sub-Commission on the Promotion and Protection of Human Rights,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

"Bearing in mind that Togo is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and Protocol I thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

"Concerned about the allegations of serious violations of the human dignity, physical integrity and life of certain persons, especially in the form of extrajudicial executions, "Taking note of the controversy brought to the Sub-Commission's attention concerning the truth or otherwise of these allegations or their extent,

"Mindful of the urgent need to ensure that appropriate and effective investigations are undertaken in order to establish the truth in an impartial and independent manner,

"1. Welcomes the announcement made by the Togolese authorities of the Government's approval of the establishment for this purpose of an international commission of inquiry into these allegations;

"2. Expresses the hope that initiatives will quickly be taken, in cooperation with the Government, to ensure the earliest possible establishment of the commission, its independence and its impartiality, in particular taking into consideration guiding principles 5 to 12 relating to the establishment of extrajudicial commissions of inquiry, adopted by the Sub-Commission at its forty-ninth session (E/CN.4/Sub.2/1997/20/Rev.1, annex II);

"3. Suggests to this end that an initiative should be taken in the context of the mandate of the United Nations High Commissioner for Human Rights, or by any other qualified authority;

"4. Calls on the Government of Togo, first, to provide the international commission with support and assistance to enable it to perform its task competently and within a reasonable time, and secondly, to take concrete initiatives to enable the competent police and judicial authorities to cooperate fully with the commission;

"5. Recommends that the Commission on Human Rights consider the development of the human rights situation in Togo at its next session or, failing that, decides to continue consideration of the development of this situation at the fifty-second session of the Sub Commission, under the same agenda item."

51. At the same meeting, the Chairperson informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.7 had been replaced by a statement by the Chairperson. In this connection, the Chairperson, on behalf of the Sub-Commission, made a statement concerning the situation of human rights in Togo. For the text of the statement, see chapter II, section C.

52. Statements in this connection were made by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Mr. Pinheiro, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt.

53. The observer for Togo also made a statement.

54. A statement was also made by Mr. Bertrand Ramcharan, Deputy United Nations High Commissioner for Human Rights.

Situation of human rights in the Republic of the Congo

55. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.5, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt.

56. A statement in connection with the draft resolution was made by Mr. Guissé.

57. The observer for the Republic of the Congo made a statement.

58. At the proposal of Ms. Warzazi, Mr. Bossuyt orally revised operative paragraph 1 (a) and inserted a new operative paragraph as paragraph 2, renumbering the subsequent operative paragraphs accordingly.

59. At the request of Mr. Fan, a vote was taken. The draft resolution, as revised, was adopted by secret ballot by 20 votes to 3, with 2 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/1.

Situation of human rights in Belarus

60. At the same meeting, Mr. Weissbrodt withdrew draft resolution E/CN.4/Sub.2/1999/L.6, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Belarus

"The Sub-Commission on the Promotion and Protection of Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

"Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the four Geneva Conventions of 1949,

"Noting Commission on Human Rights resolution 1999/81 and recalling resolution 1998/28 in which the Commission encouraged the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission, "Noting also Commission resolution 1999/36 and recalling resolution 1998/42, in which the Commission appealed to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms,

"Recalling Commission resolution 1998/21 and noting resolution 1999/57, in which the Commission recognized that tolerance and pluralism strengthen democracy, facilitate the enjoyment of all human rights, and thereby constitute a sound foundation for civil society, social harmony and peace,

"Recalling also Commission resolution 1998/35 and noting resolution 1999/31, in which the Commission stated that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

"Recalling further its resolution 1998/1, in which the Sub-Commission expressed its deep concern at the reports that Belarusian authorities unlawfully imprison, detain or otherwise harass Belarusian political leaders, journalists and human rights defenders,

"Welcoming the statement made by President Lukashenko on 2 July 1999 in which he indicated that his Government was ready for a dialogue concerning the further development of democracy in the country,

"1. Expresses its deep concern:

(a) At the persistent alleged reports that Belarusian authorities continue unlawfully to detain for short periods or otherwise harass Belarusian political leaders, journalists and human rights defenders when they attempt to exercise their right to free expression by seeking to expose, criticize or otherwise comment on abuses of power by government officials, resulting in a climate of fear and intolerance;

(b) At the concentration of legislative power in the executive branch of government and a weak judiciary whose independence has been continuously undermined, such that the rule of law has not been preserved;

(c) At the lack of meaningful democratic process within the country, which compromises the rights of Belarusian citizens freely to participate in political, economic and social life;

"2. Calls upon the Government of Belarus:

(a) To comply with international human rights law by protecting the integrity and rights of journalists and human rights workers by allowing them to function,

(b) To create adequate conditions for the non-violent activities of non-governmental organizations;

(c) To take effective steps to ensure the independence of the judiciary and the integrity of the democratic process;

(d) To begin negotiations with political parties representing different views;

(e) To create conditions for and to hold democratic free elections;

(f) To review all relevant legislation so as to protect human rights and democracy;

"3. Decides:

(a) To request the Secretary-General to report on the human rights situation in Belarus to the Commission on Human Rights and to the Sub-Commission;

(b) To recommend that the Commission on Human Rights consider the situation of human rights in Belarus at its next session;

(c) If the Commission is unable to take action on the situation of human rights in Belarus, to continue consideration of the matter at its fifty-second session under the same agenda item."

61. The observer for Belarus made a statement in this connection.

62. At the same meeting, the Chairperson informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.6 had been replaced by a statement from the Chair. In this connection, the Chairperson, on behalf of the Sub-Commission, made a statement concerning the situation of human rights in Belarus. For the text of the statement, see chapter II, section C.

63. Statements in this connection were made by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee and Ms. Warzazi.

64. At its 25th meeting, on 20 August 1999, the Sub-Commission resumed consideration of the situation of human rights in Belarus.

65. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Weissbrodt proposed that the debate on this subject be adjourned until the fifty-second session of the Sub-Commission. His motion was adopted without a vote by the Sub-Commission.

66. Statements in this connection were made by Mr. Bossuyt, Mr. Fan, Mr. Guissé, Ms. Warzazi and Mr. Weissbrodt.

67. For the text of the decision, see chapter II, section B, decision 1999/105.

Question of the violation of human rights and fundamental freedoms in all countries

68. At its 25th meeting, on 20 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.12/Rev.1, sponsored by Mr. Alfonso Martínez.

69. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Fan, Mr. Guissé, Mr. Joinet, Mr. Pinheiro and Ms. Warzazi.

70. At the request of Mr. Bossuyt, a vote was taken. The draft resolution was adopted by secret ballot by 15 votes to 7, with 3 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/2.

Violations of the rights of human rights defenders in all countries

71. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.15, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Díaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt. Mr. Guissé subsequently withdrew as a sponsor.

72. Mr. Bengoa orally revised operative paragraph 3 of the draft resolution and the annex thereto.

73. Statements in connection with the draft resolution were made by Mr. Bengoa, Mr. Díaz Uribe, Mr. Fan, Mr. Guissé, Mr. Joinet, Mr. Mehedi, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

74. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Guissé proposed that the debate on this subject be adjourned. His motion was rejected by 8 votes to 15, with 2 abstentions.

75. Statements in connection with the draft resolution were made by the observers for the Islamic Republic of Iran, Myanmar, the Syrian Arab Republic and Tunisia.

76. At the request of Mr. Díaz Uribe, a vote was taken on the draft resolution. The draft resolution, as revised, was adopted by secret ballot by 18 votes to 6, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1999/3.

The death penalty, particularly in relation to juvenile offenders

77. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.16, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro and Mr. Sik Yuen.

78. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Ms. Daes, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Sik Yuen, Ms. Warzazi and Mr. Yimer.

79. Ms. Hampson orally revised operative paragraph 3 of the draft resolution and deleted the annex attached thereto.

80. Ms. Warzazi proposed to amend the eighth preambular paragraph, which would read as follows: "Prenant note des informations bien établies dont il ressort que depuis 1990, 19 délinquants juvéniles auraient été exécutés dans six pays dont 10 de ces exécutions ont eu lieu aux Etats-Unis d'Amérique et qu'en 1998 seuls les Etats-Unis d'Amérique auraient exécuté des délinquants juvéniles". At the request of Ms. Warzazi, a vote was taken on her proposed amendment, which was rejected by secret ballot by 12 votes to 12, with 1 abstention.

81. Mr. Fan proposed to delete the eighth preambular paragraph. At the request of Mr. Fan, a vote was taken on his proposed amendment, which was rejected by secret ballot by 11 votes to 14.

82. At its 30th meeting, on 24 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.16.

83. Ms. Warzazi proposed to amend the eighth preambular paragraph of the draft resolution by deleting the following words: "the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America and Yemen, of which 10 occurred in the United States". At the request of Ms. Warzazi, a vote was taken on her proposed amendment, which was rejected by secret ballot by 11 votes to 12, with 2 abstentions.

84. Statements in this connection were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Eide, Mr. Guissé, Ms. Hampson and Mr. Yimer.

85. Statements in connection with the draft resolution were made by the observers for the Islamic Republic of Iran, Pakistan, Saudi Arabia and the United States of America.

86. In connection with the statement made by the observer for the United States of America, statements were made by Mr. Alfonso Martinez, Mr. Fan and Mr. Joinet.

87. At the request of Ms. Warzazi, a vote was taken on the draft resolution as a whole. The draft resolution, as revised, was adopted by secret ballot by 14 votes to 5, with 5 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/4.

Continuing of obligations under international human rights treaties

88. At the 30th meeting, on 24 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.17, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt. Mr. Bengoa subsequently joined the sponsors.

89. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Diaz Uribe, Mr. Fan, Mr. Guisse, Ms. Hampson, Mr. Joinet, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

90. Mr. Alfonso Martinez requested separate votes on three parts of the draft resolution: (a) the eleventh, twelfth and thirteenth preambular paragraphs and operative paragraphs 4, 5 and 6; (b) the fourteenth preambular paragraph and operative paragraph 7; and (c) the fifteenth preambular paragraph and operative paragraph 8.

91. At its 31st meeting, on 25 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.17.

92. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Guisse, Mr. Joinet, Mr. Pinheiro, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

93. As a result of the separate votes taken at the request of Mr. Alfonso Martinez, the eleventh, twelfth and thirteenth preambular paragraphs and operative paragraphs 4, 5 and 6 were retained by 17 votes to 8, the fourteenth preambular paragraph and operative paragraph 7 were retained by 17 votes to 8, and the fifteenth preambular paragraph and operative paragraph 8 were retained by 14 votes to 10, with 1 abstention.

94. A statement in connection with the draft resolution was made by the observer for Peru.

95. A vote was taken on the draft resolution as a whole. The draft resolution was adopted by secret ballot by 17 votes to 7, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1999/5.

Situation of human rights in Indonesia

96. At the 31st meeting, on 25 August 1999, Mr. Eide withdrew draft resolution E/CN.4/Sub.2/1999/L.19, sponsored by Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Goonesekere, Ms. Hampson, Ms. Motoc, Mr. Oloka-Onyango and Mr. Weissbrodt, which read as follows:

“*Situation of human rights in Indonesia*

“*The Sub-Commission on the Promotion and Protection of Human Rights*,

“*Reaffirming* that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

“*Mindful* that Indonesia is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the four Geneva Conventions of 1949,

“*Noting* that the situation in East Timor has been addressed within the Commission on Human Rights, which, in resolution 1997/63, expressed its deep concern at the reports of violations of human rights in East Timor, including extrajudicial killings, disappearances, torture and arbitrary detention,

“*Noting also* that East Timor is addressed in the reports of the Secretary-General to the Commission on Human Rights on the situation of human rights in East Timor (E/CN.4/1997/51 and Add.1, E/CN.4/1996/56, E/CN.4/1995/72, E/CN.4/1994/61), as well as in recent reports by the Secretary-General to the Security Council on the question of East Timor (S/1999/705, S/1999/595, S/1999/513),

“*Noting further* Commission resolution 1999/57 on promotion of the right to democracy, in which the Commission affirmed that democracy helps to foster the full realization of all human rights, and vice versa,

“*Noting* Commission resolution 1999/62, in which the Commission reiterated its invitation to States to promote a culture of peace based on the purposes and principles established in the Charter of the United Nations, respect for all human rights, democracy, education for peace, promotion of sustainable development, tolerance, respect for pluralism, positive acceptance of multiculturalism, the wider participation of women and equal opportunities for all, as an integral approach to preventing violence in its diverse manifestations,

“*Concerned* at continuing reports of human rights violations within Indonesia as a whole, including torture, ill-treatment, rape, disappearances, extrajudicial killings and the arrest of individuals engaging in legitimate peaceful activities,

“1. *Welcomes*:

(a) The recent reports by international human rights organizations that, over the past year, restrictions on political parties, independent trade unions and the media have been relaxed within Indonesia;

(b) The release of several political prisoners and prisoners of conscience;

(c) Legislation adopted in January 1999 allowing for the formation of independent political parties, as well as the democratic elections held on 7 June 1999, which were the first free elections to be conducted within Indonesia in forty-five years;

(d) The publication by the Government of Indonesia in June 1998 of a five-year National Action Plan on Human Rights, which commits the Government to ratifying eight international human rights instruments;

(e) The ratification by the Government of Indonesia of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and International Labour Organization Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize;

(f) The signing by the Government of Indonesia in August 1998 of a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights providing the basis for a technical cooperation programme;

(g) The visit, at the invitation of the Government, of the Special Rapporteur on violence against women;

"2 Expresses its concern

(a) At reports of continued mass violence, including abuses targeted specifically against ethnic minorities, particularly in the province of Aceh and on Ambon;

(b) At the persistent pattern of human rights violations, including torture, ill-treatment, rape, disappearances, extrajudicial killings, and the arrest of individuals engaging in legitimate peaceful activities;

(c) At the prevailing climate of impunity that further encourages human rights violations by State authorities, including the military;

"3 Calls upon the Government of Indonesia

(a) To ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without delay;

(b) To ensure the establishment of an independent and impartial judiciary that is separate from the executive branch of the Government, especially from the military, through appropriate constitutional reforms;

(c) To fulfil its stated commitment to create a separate civilian police force as soon as possible;

(d) To bring to justice, in accordance with international human rights standards, those individuals who have violated human rights, so as to alleviate the climate of impunity that exists within the country;

(e) To take immediate steps to end extrajudicial killings and excessive use of force by the security forces. In this regard, the Government of Indonesia is encouraged to issue immediate instructions to the security forces informing them that they must act in accordance with international human rights standards at all times, including in their responses to lawful demonstrations and disturbances;

(f) To release all political prisoners unconditionally and immediately;

(g) To implement the recommendations of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women;

"4. Encourages the Government of Indonesia to invite the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct follow-up visits to Indonesia, and to invite the Special Rapporteur on the independence of judges and lawyers who has requested to visit Indonesia;

"5. Invites human rights monitoring by domestic and international non-governmental organizations in all areas of Indonesia;

"6. Decides:

(a) To request the Secretary-General to submit a report on the human rights situation in Indonesia to the Commission and the Sub-Commission;

(b) To recommend that the Commission on Human Rights consider the situation of human rights in Indonesia at its next session;

(c) That, if the Commission is unable to take action on the situation of human rights in Indonesia, to continue consideration of the matter at its fifty-second session under the same agenda item."

97. The observer for Indonesia made a statement in this connection.

98. At the same meeting, the Chairperson informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.19 had been replaced by a statement from the Chair. In this connection, the Chairperson, on behalf of the Sub-Commission, made a statement concerning the situation of human rights in Indonesia. For the text of the statement, see chapter II, section C.

99. Statements in this connection were made by Mr. Alfonso Martinez, Mr. Guisse, Mr. Joinet, Mr. Pinheiro, Ms. Warzazi and Mr. Weissbrodt.

Situation of human rights in Mexico

100. At the 31st meeting, on 25 August 1999, the Chairperson, on behalf of the Sub-Commission, made a statement concerning the situation of human rights in Mexico. For the text of the statement, see chapter II, section C.

101. Statements were made by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Guisse, Mr. Joinet, Mr. Pinheiro and Mr. Ramishvili.

102. In this connection, a statement was also made by the observer for Mexico.

Situation of long-term refugees and internally displaced persons

103. At its 31st meeting, on 25 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.18, sponsored by Mr. Bengoa, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Ms. Hampson, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt, which read as follows:

"The Sub-Commission on the Promotion and Protection of Human Rights,

"Reaffirming the right of every person to return to his or her own country, as enshrined in article 13 of the Universal Declaration of Human Rights and article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, and the prohibition of arbitrary deprivation of the right to enter one's own country and the liberty of movement within one's own country contained in article 12 of the International Covenant on Civil and Political Rights,

"Affirming the rights of refugees as contained in the Convention relating to the Status of Refugees and its protocol and the guiding principles on internal displacement (E/CN.4/1998/53/Add.2) which state, inter alia, that every internally displaced person has the right of liberty of movement and freedom to choose his or her residence,

"Recalling that arbitrary deprivation of nationality, prohibited by article 15 of the Universal Declaration of Human Rights, constitutes a violation of a fundamental and inalienable human right and that the right of every child to a nationality is enshrined in article 24 of the International Covenant on Civil and Political Rights and article 8 of the Convention on the Rights of the Child,

"Recalling also Commission on Human Rights resolution 1999/28, in which the Commission reaffirmed the right to a nationality of every human being as an inalienable human right, recognized that arbitrary deprivation of nationality on racial, national, ethnic or religious grounds is a violation of human rights and called upon States to refrain from taking measures and from enacting legislation that discriminate with regard to the exercise of the right to a nationality on grounds of race, colour or national or ethnic origin and to repeal such legislation if it already exists, "Noting Commission resolution 1999/47, in which the Commission expressed its consciousness of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this problem poses for States and the international community to explore methods and means better to address their protection and assistance needs,

"Recalling Sub-Commission resolutions 1998/26 and 1997/29, which reaffirmed the right of all refugees, as defined in relevant international legal instruments, and internally displaced persons, to return in safety and dignity to their homes and places of habitual residence in their country and/or place of origin, should they so wish,

"Concerned that the situation of long-term refugees and internally displaced persons in various parts of the world may represent a serious denial of the right to return and of the right to a nationality and is likely to result in a serious increase in the phenomena of statelessness and internal displacement,

"Aware in particular of the situation of people claiming to be refugees from Bhutan who are currently living in camps in eastern Nepal, in addition to others in Nepal and India, as well as of the problem of internally displaced persons from south-east Turkey within Turkey,

A

"Recalling the statement by the Chairman of the Sub-Commission at the previous two sessions of the Sub-Commission, expressing deep concern over the serious human rights implication of the situation of persons claiming to be refugees from Bhutan in Nepal,

"Noting that there has been no progress in that period with regard to determining the status of the individuals in question,

"1. Requests that the following measures be taken in relation to the situation of people claiming to be refugees from Bhutan:

(a) That the Governments of Bhutan and Nepal take more effective and urgent action to reach agreement on the criteria to be applied to all those claiming to be refugees from Bhutan to determine whether they are in fact entitled to return to Bhutan;

(b) That the Governments of Bhutan and Nepal cooperate in order to facilitate the verification of the status and origin of those who assert they are refugees, as determined through an impartial and fair process, and that a solution be pursued which is consistent with international human rights standards including the principle of non-discrimination, the right to return, and the right not to be arbitrarily deprived of one's nationality;

(c) That representations on behalf of the displaced population be taken into account and that the Governments involved avail themselves of technical assistance from the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, both with regard to the criteria to be applied and to the status determination process,

(d) That provision be made in order to secure the economic, social and cultural rights of those determined to be refugees, including their rights to housing, health, education and food, as well as their civil and political rights, upon their return,

(e) That provision be made in order to secure the economic, social and cultural rights, as well as the civil and political rights, in Nepal or such other State as they come from of those determined not to be citizens of Bhutan,

(f) That immediate steps be taken in order to halt unlawful resettlement upon lands which previously belonged to refugees and other displaced persons,

(g) That the Government of Bhutan review all relevant citizenship laws, with the technical assistance of the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to ensure that such legislation is in accord with international human rights law and with the Convention on the Reduction of Statelessness,

B

"Noting that the fifteen-year conflict in south-east Turkey and the surrounding area has caused over 34,000 deaths,

"Noting also that, according to Azmen Koylouglu, a former Minister for Human Rights in Turkey, the conflict has generated the displacement of over 2 million people from the south-east of Turkey,

"Noting further that 11 villages have been destroyed since the start of this year in the region of Diyarbakir and Mardin, 7 of them since April,

"Recalling the judgements of the European Court of Human Rights in the cases, inter alia, of Akdivar and others, Mentes and others and Selcuk and Asker, in which the Court found that the homes and property of the villagers had been intentionally set fire to by the security forces, and in some cases by named perpetrators, and that the applicants had not had available to them an effective and independent domestic remedy,

"Conscious that many of the internally displaced people have been forced to relocate from their land and jobs to urban areas where it has been impossible for them to continue their agrarian means of livelihood, "Welcoming the real hopes that the hostilities in the area are at an end, particularly in the light of the decision of the armed opposition forces unilaterally to renounce the armed struggle, for their forces to leave Turkey and further struggle to be continued solely through democratic political means,

"Urging the Government of Turkey to enter into a dialogue with Turkish citizens of Kurdish origin, especially through elected political representatives who have received widespread support in south-east Turkey, and urging the Government of Turkey to maintain its moratorium on the use of the death penalty,

"1. Welcomes the statement of the Government that the internally displaced population are either going back to their homes or resettled with the Government's assistance, provided that that choice is made by the internally displaced people themselves;

"2. Requests that the following measures be taken in relation to those who have been internally displaced in Turkey:

(a) That the Government of Turkey permit and facilitate the return of all displaced people who wish to return to their homes;

(b) That the Government of Turkey restore the infrastructure, inter alia water, electricity and land, where it has been damaged or destroyed, without which the right to return is illusory and meaningless;

(c) That the Government of Turkey create, as soon as possible, an effective and independent mechanism, to which complainants have effective access, to adjudicate upon complaints of the destruction of homes and property allegedly carried out by the security forces and, where that is established:

- (i) To provide compensation to the victims;
- (ii) To institute criminal proceedings against the suspected perpetrators;

C

"Requests the respective Governments and the Offices of the High Commissioner for Human Rights and the High Commissioner for Refugees to report to the Sub-Commission at its fifty-second session on the adoption and implementation of the measures referred to above.

Decides

(a) To recommend that the Commission on Human Rights consider the effective implementation of the right to return of long-term refugees and internally displaced persons at its next session;

(b) If the Commission is unable to take action on the effective implementation of the right to return, to continue consideration of the matter at its fifty-second session under the same agenda item."

104. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Park and Ms. Warzazi.

105. At the request of Mr. Eide, consideration of the draft resolution was postponed.

106. At its 33rd meeting, on 26 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.18.

107. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Pinheiro, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt.

108. At the proposal of the Chairperson, consideration of the draft resolution was postponed.

109. At its 34th meeting, on 27 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.18.

110. Mr. Eide informed the Sub-Commission that part A of draft resolution E/CN.4/Sub.2/1999/L.18 had been replaced by a statement by the Chairperson.

111. At the same meeting, the Chairperson on behalf of the Sub-Commission, made a statement concerning persons in Nepal claiming to be refugees from Bhutan. For the text of the statement, see chapter II, section C.

112. Statements in this connection were made by the observers for Bhutan and Nepal.

113. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Ms. Hampson proposed that the debate on Part B of draft resolution E/CN.4/Sub.2/1999/L.18 be adjourned until the fifty-second session of the Sub-Commission. Her motion was adopted without a vote.

114. A statement in this connection was made by Mr. Park.

115. For the text of the decision, see chapter II, section B, decision 1999/117.

V. COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

(b) XENOPHOBIA

116. The Sub-Commission considered agenda item 3 at its 9th to 11th, 31st and 32nd meetings, on 10, 11 and 25 August 1999.

117. For the list of documents issued under agenda item 3, see annex VII to the present report.

118. At the 9th meeting, on 10 August 1999:

(a) Mr. David Weissbrodt presented a working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1). At the 11th meeting, on 11 August 1999, Mr. Weissbrodt made his concluding remarks;

(b) Mr. Joseph Oloka-Onyango presented a working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8);

(c) Mr. Marc Bossuyt, Special Rapporteur on the concept and practice of affirmative action, made a statement regarding his working paper on the concept of affirmative action (see E/CN.4/Sub.2/1998/5);

(d) Mr. Paulo Sergio Pinheiro made a statement regarding a paper which the Sub-Commission, in its resolution 1998/6, had requested him to prepare on proposals for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

119. In the general debate on agenda item 3, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

The concept and practice of affirmative action

120. At its 31st meeting, on 25 August 1999, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.2, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Joinet, Mr. Park, Mr. Shamshur and Ms. Warzazi. Ms. Daes subsequently joined the sponsors.

121. A statement in connection with the draft decision was made by Mr. Fan.

122. Mr. Alfonso Martinez proposed to amend the draft decision by replacing, in the penultimate line, the words "High Commissioner" by the words "Secretary-General".

123. The draft decision, as amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/106.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

124. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.3, sponsored by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guisse, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt. Mr. Sorabjee and Mr. Yimer subsequently joined the sponsors.

125. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Guisse and Ms. Warzazi.

126. Mr. Alfonso Martinez orally revised operative paragraph 15.

127. Mr. Weissbrodt orally revised the fifteenth preambular paragraph.

128. Mr. Joinet orally revised the fourteenth preambular paragraph.

129. Mr. Bossuyt orally revised the draft resolution by inserting a new paragraph after operative paragraph 14.

130. The draft resolution, as revised, was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 1999/6.

The rights of non-citizens

131. At the 32nd meeting, on 25 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.4, sponsored by Mr. Bossuyt, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Goonesekere, Ms. Hampson, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Shamshur, Mr. Sik Yuen and Ms. Warzazi. Ms. Daes and Mr. Ramishvili subsequently joined the sponsors.

132. Ms. Hampson revised the draft resolution by replacing operative paragraphs 4 to 7 with a new operative paragraph 4.

133. Statements in connection with the draft resolution were made by Ms. Daes, Mr. Fan and Ms. Warzazi.

134. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/7.

VI THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS,

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT,

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS,

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

135 The Sub-Commission considered agenda item 4 at its 11th to 14th, 32nd and 33rd meetings, on 11, 12, 13, 25 and 26 August 1999

136 For the list of documents issued under agenda item 4, see annex VII to the present report

137 At the 11th meeting, on 11 August 1999

(a) Mr Mustapha Mehedi presented a working paper on the content of the right to education (E/CN 4/Sub 2/1999/10) At the 14th meeting, on 13 August 1999, Mr Mehedi made his concluding remarks,

(b) Mr Joseph Oloka-Onyango and Ms Deepika Udagama jointly presented a working paper on human rights as the primary objective of international trade, investment and finance policy and practice (E/CN 4/Sub 2/1999/11) At the 14th meeting, on 13 August 1999, Mr Oloka-Onyango, also on behalf of Ms Udagama, made concluding remarks,

(c) Mr El Hadji Guisse, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group (E/CN 4/Sub 2/1999/9)

138 At the 12th meeting, on 12 August 1999, Mr Asbjørn Eide presented an updated study on the right to food (E/CN 4/Sub 2/1999/12) At the 14th meeting, on 13 August 1999, Mr Eide made his concluding remarks

139 In the general debate on agenda item 4, statements were made by members of the Sub-Commission, observers and non-governmental organizations For a detailed list of speakers, see annex II

Promotion of the realization of the right to drinking water supply and sanitation services

140 At its 32nd meeting, on 25 August 1999, the Sub-Commission considered draft decision E/CN 4/Sub 2/1999/L 8, sponsored by Mr Bengoa, Mr Bossuyt, Ms Daes, Mr Diaz Uribe, Mr Eide, Mr Fan, Mr Fix Zamudio, Mr Goonesekere, Mr Guisse, Mr Joinet, Mr Khalifa,

Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Shamshur, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt. Ms. Hampson and Mr. Ramishvili subsequently joined the sponsors.

141. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, 1999/107.

Globalization and its impact on the full enjoyment of all human rights

142. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.9, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Díaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Shamshur, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt. Mr. Ramishvili subsequently joined the sponsors.

143. Mr. Alfonso Martínez orally revised operative paragraph 4.

144. Mr. Weissbrodt orally revised operative paragraph 3 and further revised operative paragraph 4.

145. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Warzazi and Mr. Weissbrodt.

146. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1999/8.

Housing and property restitution in the context of the return of refugees and internally displaced persons

147. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.13, sponsored by Mr. Eide, Mr. Goonesekere, Ms. Motoc, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt. Ms. Daes and Ms. Hampson subsequently joined the sponsors.

148. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

149. Mr. Weissbrodt orally revised the draft decision.

150. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, 1999/108.

Follow-up to resolution 1996/22 and decision 1998/105 on the right to development

151. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.14, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen and Ms. Warzazi. Mr. Joinet and Mr. Weissbrodt subsequently joined the sponsors.

152. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1999/9.

The Social Forum

153. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.20, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt. Ms. Daes and Mr. Joinet subsequently joined the sponsors.

154. Statements in connection with the draft resolution were made by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

155. Mr. Bengoa orally revised the draft resolution by changing its title, the third preambular paragraph and operative paragraphs 1, 1 (b) (vii) and 3, and by inserting a new operative paragraph after operative paragraph 3.

156. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1999/10.

The realization of the right to education, including education in human rights

157. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.21, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt.

158. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Mr. Joinet, Mr. Mehedi and Ms. Warzazi.

159. Mr. Alfonso Martínez and Ms. Daes orally revised operative paragraph 2.

160. Mr. Joinet made a change in the French text of operative paragraph 2.

161. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/11.

Trade liberalization

162. At its 32nd meeting, on 25 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.22, sponsored by Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Khalil, Ms. Motoc, Mr. Oloka-Onyango and Mr. Park. Mr. Bossuyt and Ms. Hampson subsequently joined the sponsors.

163. Ms. Warzazi proposed to delete operative paragraphs 1 to 6 and to amend operative paragraph 7.

164. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Eide, Mr. Guisse, Ms. Hampson, Mr. Oloka-Onyango and Ms. Warzazi.

165. At the request of Mr. Eide, consideration of draft resolution E/CN.4/Sub.2/1999/L.22 was postponed.

166. At the 33rd meeting, on 26 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.22.

167. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Bossuyt, Ms. Daes, Mr. Guisse, Mr. Joinet, Mr. Oloka-Onyango, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt.

168. Mr. Oloka-Onyango revised operative paragraphs 1 and 2, and deleted the tenth preambular paragraph and operative paragraph 4.

169. Mr. Guisse moved that consideration of the draft resolution be deferred until the next session. A vote was taken on his motion, which was rejected by 3 votes to 10, with 7 abstentions.

170. Mr. Oloka-Onyango revised the title of the draft resolution, at the request of Mr. Joinet.

171. At the request of Mr. Guisse, a vote was taken on the draft resolution. The draft resolution, as revised and amended, was adopted by 18 votes to none, with 4 abstentions.

172. For the text of the resolution, see chapter II, section A, resolution 1999/30.

The right to adequate food and to be free from hunger

173. At the 32nd meeting, on 25 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.25, sponsored by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Khalil, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt.

174. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/12.

VII THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

175 The Sub-Commission considered agenda item 5 at its 14th to 16th and 32nd meetings, on 13, 16 and 25 August 1999

176 For the list of documents issued under agenda item 5, see annex VII to the present report

177 At the 14th meeting, on 13 August 1999, Ms Halima Embarek Warzazi, Special Rapporteur on traditional practices affecting the health of women and children, presented her third report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN 4/Sub 2/1999/14)

178 In the general debate on agenda item 5, statements were made by members of the Sub Commission, observers and non-governmental organizations For a detailed list of speakers see annex II

Traditional practices affecting the health of women and the girl child

179 At the 32nd meeting, on 25 August 1999, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 23, sponsored by Mr Alfonso Martinez, Mr Bengoa, Mr Bossuyt, Ms Daes, Mr Diaz Uribe, Mr Eide, Mr Fan, Mr Fix Zamudio, Mr Goonesekere, Mr Guisse, Ms Hampson, Mr Joinet, Mr Khalifa, Mr Mehedi, Ms Motoc, Mr Oloka-Onyango, Mr Park, Mr Pinheiro, Mr Ramishvili, Mr Shamshur, Mr Sik Yuen, Ms Warzazi and Mr Weissbrodt Mr Yimer subsequently joined the sponsors

180 Mr Guisse orally revised operative paragraph 7 of the draft resolution

181 The resolution, as revised, was adopted without a vote For the text of the resolution, see chapter II, section A, resolution 1999/13

Situation of women and girls in Afghanistan

182 At the same meeting, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 24, sponsored by Mr Mehedi and Ms Warzazi Mr Bengoa, Ms Daes, Mr Goonesekere, Mr Joinet, Mr Khalil, Mr Pinheiro, Mr Sorabjee, Mr Weissbrodt and Mr Yimer subsequently joined the sponsors

183 Statements in connection with the draft resolution were made by Mr Alfonso Martinez, Mr Fan, Mr Joinet, Mr Mehedi, Ms Warzazi and Mr Weissbrodt

184. Mr. Weissbrodt orally revised the fifth preambular paragraph.

185. A statement was made by the observer for Afghanistan.

186. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/14.

Women and the right to development

187. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.27, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Ms. Warzazi and Mr. Weissbrodt. Mr. Mehedi, Mr. Park and Mr. Ramishvili subsequently joined the sponsors.

188. A statement in connection with the draft resolution was made by Ms. Warzazi.

189. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/15.

VIII. CONTEMPORARY FORMS OF SLAVERY

190. The Sub-Commission considered item 6 at its 16th, 17th, 32nd and 33rd meetings, on 16, 25 and 26 August 1999.

191. For the list of documents issued under agenda item 6, see annex VII to the present report.

192. At the 16th meeting, on 16 August 1999, Ms. Halima Embarak Warzazi, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, presented the report of the Working Group on its twenty-fourth session (E/CN.4/Sub.2/1999/17).

193. At the 17th meeting, on 16 August 1999, Ms. Gay J. MsDougall, Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, presented an update on recent developments with respect to her final report on this subject.

194. In the general debate on agenda item 6, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

Systematic rape, sexual slavery and slavery-like practices

195. At its 32nd meeting, on 25 August 1999, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.28, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Ms. McDougall, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Shamshur and Mr. Sik Yuen. Mr. Fan subsequently withdrew as a sponsor.

196. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Ms. Hampson, Ms. McDougall, Ms. Warzazi and Mr. Yimer.

197. At its 33rd meeting, on 26 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.28.

198. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Eide, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Ms. McDougall, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Ms. Warzazi and Mr. Yimer.

199. Ms. McDougall orally revised operative paragraphs 4, 6, 13 and 16.

200. Mr. Oloka-Onyango orally revised operative paragraph 13.

201. At the request of Ms. Warzazi, a separate vote was taken on operative paragraph 4, as revised, which was retained by 14 votes to 5, with 3 abstentions.

202. At the request of Mr. Alfonso Martinez, a separate vote was taken on operative paragraph 6, as revised, which was retained by 18 votes to 2, with 3 abstentions.

203. Ms. Warzazi made the following proposals:

(a) To delete the words "peace treaty" from operative paragraph 13, as revised. The proposal was rejected by 4 votes to 13, with 5 abstentions;

(b) To delete the words "including information on the status of the recommendations made by the Special Rapporteur" from operative paragraph 14. The proposal was rejected by 3 votes to 14, with 3 abstentions;

(c) To delete operative paragraph 15. The proposal was rejected by 6 votes to 14, with 4 abstentions.

204. At the request of Mr. Alfonso Martinez, a vote was taken on the draft resolution, as revised, which was adopted by 15 votes to 2, with 5 abstentions.

205. Statements in explanation of vote after the vote were made by Mr. Alfonso Martinez, Mr. Guisse, Mr. Joinet, Mr. Khalil and Ms. McDougall.

206. For the text of the resolution, see chapter II, section A, resolution 1999/16.

Report of the Working Group on Contemporary Forms of Slavery

207. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.29, sponsored by Ms. Koufa, Ms. Motoc, Mr. Park and Ms. Warzazi.

208. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/17.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

209. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.38, sponsored by Mr. Mehedi, Ms. Motoc, Mr. Park and Ms. Warzazi.

210. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/18.

IX HUMAN RIGHTS OF INDIGENOUS PEOPLES

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND

211 The Sub-Commission considered agenda item 7 at its 17th to 19th and 33rd meetings, on 16, 17 and 26 August 1999

212 For the list of documents issued under agenda item 7, see annex VII to the present report

213 At the 17th meeting, on 16 August 1999, Ms Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its seventeenth session (E/CN 4/Sub 2/1999/19)

214 At the 18th meeting, on 17 August 1999

(a) Ms Erica-Irene Daes, Special Rapporteur on indigenous people and their relationship to land, presented her second progress report on her working paper (E/CN 4/Sub 2/1999/18) At the 19th meeting, on 17 August 1999, Ms Daes made her concluding remarks,

(b) Mr Miguel Alfonso Martinez, Special Rapporteur, presented his final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN 4/Sub 2/1998/20) At the 19th meeting, on 17 August 1999, Mr Alfonso Martinez made his concluding remarks

215 In the general debate on agenda item 7, statements were made by members of the Sub-Commission, observers and non-governmental organizations For a detailed list of speakers see annex II

International Decade of the World's Indigenous People

216 At the 33rd meeting, on 26 August 1999, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 30, sponsored by Ms Daes Mr Alfonso Martinez, Mr Guisse, Mr Hatano, Ms Motoc and Mr Ramishvili subsequently joined the sponsor

217 Ms Daes orally revised operative paragraph 11 of the draft resolution

218 Statements in connection with the draft resolution were made by Mr Alfonso Martinez and Mr Bengoa

219 The draft resolution, as revised, was adopted without a vote For the text of the resolution, see chapter II section A, resolution 1999/19

Working Group on Indigenous Populations

220. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.31, sponsored by Ms. Daes and Mr. Hatano. Mr. Alfonso Martinez, Mr. Guisse, Ms. Motoc and Mr. Ramishvili subsequently joined the sponsors.

221. Ms. Daes orally revised operative paragraph 11 of the draft resolution.

222. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/20.

Working paper on indigenous peoples and their relationship to land

223. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.32, sponsored by Ms. Daes. Mr. Alfonso Martinez, Mr. Guisse and Ms. Motoc subsequently joined the sponsor.

224. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/21.

Final report of the study on treaties, agreements and other constructive agreements between States and indigenous populations

225. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.33, sponsored by Mr. Alfonso Martinez, Ms. Daes and Mr. Hatano. Mr. Guisse and Ms. Motoc subsequently joined the sponsors.

226. The draft resolution was adopted without a vote. For the text of the decision, see chapter II, section A, resolution 1999/22.

X. PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

227. The Sub-Commission considered agenda item 8 at its 19th to 22nd and 33rd meetings, on 17, 18, 19 and 26 August 1999.

228. For the list of documents issued under agenda item 8, see annex VII to the present report.

229. At the 19th meeting, on 17 August 1999, Mr. Asbjørn Eide, Chairperson-Rapporteur of the Working Group on Minorities, presented the report of the Working Group on its fifth session (E/CN.4/Sub.2/1999/21). At the 21st meeting, on 18 August 1999, Mr. Eide made his concluding remarks. At the 22nd meeting, on 19 August 1999, Mr. Eide made further concluding remarks.

230. In the general debate on agenda item 8, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

The human rights problems and protections of the Roma

231. At its 33rd meeting, on 26 August 1999, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.34, sponsored by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guisse, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt.

232. A statement in connection with the draft decision was made by Mr. Sik Yuen.

233. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/109.

Prevention of discrimination against and the protection of minorities

234. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.36, sponsored by Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guisse, Ms. Hampson, Mr. Joinet, Mr. Khalil, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Shamshur, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

235. The draft resolution was adopted with a vote. For the text of the resolution, see chapter II, section A, resolution 1999/23.

XI THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

(a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY,

(b) APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES,

(c) GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS AN INTERNATIONAL CRIME,

(d) JUVENILE JUSTICE,

(e) PRIVATIZATION OF PRISONS,

(f) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

236 The Sub-Commission considered agenda item 9 at its 22nd to 24th and 33rd meetings, on 19, 20 and 26 August 1999

237 For the list of documents issued under agenda item 9, see annex VII to the present report

238 At the 22nd meeting, on 19 August 1999

(a) Mr Hector Fix Zamudio presented an interim report on improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level (E/CN 4/Sub 2/1999/WG 1/CRP 1),

(b) Mr El Hadji Guisse presented orally the annual report on the evolution of capital punishment, pursuant to Sub-Commission decision 1998/110

239 In the general debate on agenda item 9, statements were made by members of the Sub-Commission, observers and non-governmental organizations For a detailed list of speakers, see annex II

Draft international convention on the protection of all persons from enforced disappearance

240 At its 33rd meeting, on 26 August 1999, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 41, sponsored by Mr Bossuyt, Ms Daes, Mr Fix Zamudio, Mr Goonesekere, Mr Guisse, Ms Hampson, Mr Joinet, Ms Motoc, Mr Park, Mr Pinheiro, Mr Ramishvili and Mr Sorabjee

241 The draft resolution was adopted without a vote For the text of the resolution, see chapter II, section A, resolution 1999/24

XII. FREEDOM OF MOVEMENT

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION

(b) HUMAN RIGHTS AND POPULATION DISPLACEMENTS

242. The Sub-Commission considered agenda item 10 at its 24th and 26th meetings, on 20 and 23 August 1999.

243. For the list of documents issued under agenda item 10, see annex VII to the present report.

244. In the general debate on agenda item 10, statements were made by observers and non-governmental organizations. For a detailed list of speakers, see annex II.

XIII. SITUATION REGARDING THE PROMOTION, FULL REALIZATION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUTH

245. The Sub-Commission considered agenda item 11 at its 26th meeting, on 23 August 1999.

246. For the list of documents issued under agenda item 11, see annex VII to the present report.

247. In the general debate on agenda item 11, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

XIV REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

(a) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO (i) PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS, (ii) ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS AND OBSERVANCE OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS BY STATES WHICH ARE NOT PARTIES TO UNITED NATIONS HUMAN RIGHTS CONVENTIONS,

(b) REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE (i) IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS, (ii) TERRORISM AND HUMAN RIGHTS,

(c) HUMAN RIGHTS AND DISABILITY,

(d) OTHER NEW DEVELOPMENTS (i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS, (ii) ARBITRARY DEPRIVATION OF NATIONALITY

248 The Sub-Commission considered agenda item 12 at its 26th, 27th, 30th, 33rd and 34th meetings, on 23, 24, 26 and 27 August 1999

249 For the list of documents issued under agenda item 12, see annex VII to the present report

250 At the 27th meeting, on 23 August 1999

(a) Ms Kalliopi Koufa, Special Rapporteur on terrorism and human rights, presented a preliminary report on this question (E/CN 4/Sub 2/1999/27) At the 30th meeting, on 24 August 1999, Ms Koufa made her concluding remarks,

(b) Ms Françoise Hampson presented a working paper on reservations to human rights treaties (E/CN 4/Sub 2/1999/28 and Corr 1) At the 30th meeting, on 24 August 1999, Ms Hampson made her concluding remarks,

(c) Mr Teimuraz Ramishvili, in the absence of Mr Vladimir Kartashkin, presented a working paper prepared by Mr Kartashkin on the observance of human rights by States which are not parties to United Nations human rights conventions (E/CN.4/Sub.2/1999/29). At the 30th meeting, on 24 August 1999, Mr. Ramishvili made his concluding remarks.

251. In the general debate on agenda item 12, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.

Promotion of dialogue on human rights issues

252. At its 33rd meeting, on 26 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.35, sponsored by Mr. Fan. Mr. Alfonso Martinez, Mr. Bossuyt, Ms. Daes, Mr. Dias Uribe, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Mr. Khalil, Mr. Mehedi, Ms. Motoc, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt subsequently joined the sponsor.

253. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/25.

Humanitarian situation in Iraq

254. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.37, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Ramishvili, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

255. Statements in connection with the draft decision were made by Mr. Alfonso Martinez and Ms. Warzazi.

256. The observer for Iraq made a statement.

257. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/110.

Adverse consequences of economic sanctions on the enjoyment of human rights

258. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1999/L.39, sponsored by Ms. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Khalil, Ms. Motoc, Mr. Park, Mr. Pinheiro and Ms. Warzazi.

259. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1999/111.

Terrorism and human rights

260 At the same meeting, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 40, sponsored by Mr Bossuyt, Ms Daes, Mr Diaz Uribe, Mr Fan, Mr Fix Zamudio, Mr Goonesekere, Mr Guisse, Ms Hampson, Mr Mehedi, Ms Motoc, Mr Pinheiro, Mr Ramishvili, Mr Sorabjee, Ms Warzazi and Mr Weissbrodt Mr Alfonso Martinez, Mr Khalil, Mr Park and Mr Sik Yuen subsequently joined the sponsors

261 The draft resolution was adopted without a vote For the text of the resolution, see chapter II, section A, resolution 1999/26

Reservations to human rights treaties

262 At the same meeting, the Sub-Commission considered draft resolution E/CN 4/Sub 2/1999/L 42, sponsored by Mr Bossuyt, Ms Daes, Mr Fix Zamudio, Mr Goonesekere, Mr Joinet, Mr Mehedi, Ms Motoc, Mr Park, Mr Pinheiro and Mr Sorabjee Mr Guisse and Mr Oloka-Onyango subsequently joined the sponsors

263 The draft resolution was adopted without a vote For the text of the resolution, see chapter II, section A, resolution 1999/27

Human rights in the context of HIV/AIDS

264 At the same meeting, the Sub-Commission considered draft decision E/CN 4/Sub 2/1999/L 43, sponsored by Mr Alfonso Martinez, Ms Daes, Mr Diaz Uribe, Mr Goonesekere, Mr Khalil, Ms Motoc, Mr Pinheiro, Mr Ramishvili, Mr Sorabjee and Mr Weissbrodt Mr Guisse, Mr Mehedi and Mr Oloka-Onyango subsequently joined the sponsors

265 The draft decision was adopted without a vote For the text of the decision, see chapter II, section B, decision 1999/112

Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war

266 At the same meeting, the Sub-Commission considered draft decision E/CN 4/Sub 2/1999/L 44, sponsored by Ms Daes Mr Alfonso Martinez, Mr Bengoa, Mr Bossuyt Mr Diaz Uribe, Mr Eide, Mr Fan, Mr Fix Zamudio, Mr Goonesekere, Mr Guisse Ms Hampson, Mr Joinet, Mr Khalil, Mr Mehedi, Ms Motoc, Mr Oloka-Onyango, Mr Park, Mr Pinheiro, Mr Ramishvili, Mr Sik Yuen, Mr Shamshur, Mr Sorabjee, Ms Warzazi, Mr Weissbrodt and Mr Yimer subsequently joined the sponsor

267 A statement in connection with the draft decision was made by Ms Daes

268. At the proposal of Mr. Alfonso Martinez and Ms. Warzazi, the draft decision was adopted by acclamation. For the text of the decision, see chapter II, section B, decision 1999/113.

Observance of human rights by States which are not parties to United Nations human rights conventions

269. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.45, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Mehedi, Ms. Motoc, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt. Mr. Alfonso Martinez and Mr. Guisse subsequently joined the sponsors.

270. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/28.

Globalization and its impact on the full enjoyment of all human rights

271. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.46, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Fan, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guisse, Ms. Hampson, Mr. Khalifa, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Shamshur, Mr. Sik Yuen and Mr. Sorabjee. Mr. Joinet, Ms. Motoc, Mr. Park and Mr. Ramishvili subsequently joined the sponsors.

272. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1999/29.

Kidnapping and hostage-taking

273. At the 34th meeting, on 27 August 1999, the Chairperson, on behalf of the Sub-Commission, made a statement relating to kidnapping and hostage-taking. For the text of the statement, see chapter II, section C.

XV. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

274. The Sub-Commission considered agenda item 13 at its 28th, 29th and 34th meetings on 24 and 27 August 1999.

275. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

276. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

277. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-seventh session, held from 19 to 30 July 1999 (E/CN.4/Sub.2/1999/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its fiftieth session in 1998, as well as all government replies relevant to the material before it. The Sub-Commission again noted with appreciation that a large number of government replies, including detailed and substantive replies, had been received in response to communications forwarded to Governments under Council resolution 728 F (XXVIII), and was pleased to see a continuing display of international cooperation. The Sub-Commission stressed in that connection that government cooperation was essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII). In view of the number and volume of replies submitted under the 1503 procedure by Governments, the Sub-Commission again requested that Governments consider submitting, whenever possible, five copies of each reply to the secretariat of the 1503 procedure.

278. Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications, introduced the Working Group's report and mentioned that the Working Group had held an informal discussion on the recommendations concerning the 1503 procedure contained in the report of the Bureau of the fifty-fourth session of the Commission on Human Rights (E/CN.4/1999/104) and that the Working Group's input had been endorsed by the Sub-Commission and included in the position paper of the Sub-Commission (E/CN.4/Sub.2/1999/47, annex I).

279. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its fifty-second session and to take no action with regard to other communications.

280. At its 34th meeting (closed part), on 27 August 1999, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

281. At its 33rd meeting, on 26 August 1999, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its fifty-second session. For the composition of the Working Group, see chapter II, section B, decision 1999/116.

XVI. CONCLUDING ITEMS

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION;

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-SECOND SESSION OF THE SUB-COMMISSION;

(c) ADOPTION OF THE REPORT ON THE FIFTY-FIRST SESSION

282. The Sub-Commission considered agenda item 14 at its 34th meeting, on 27 August 1999.

283. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/1999/L.1 containing the draft provisional agenda for the fifty-second session of the Sub-Commission.

284. The draft provisional agenda reads as follows:

1. Organization of work

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1999/81; Sub-Commission resolution 1992/8 and decisions 1994/117, 1995/112, 1995/113, 1997/113, 1999/114 and 1999/116.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

   Legislative authority: Sub-Commission resolutions 1999/1, 1999/3, 1999/4 and 1999/5; Chairman's statements, agreed on by consensus by the Sub-Commission, made on 20 August 1999, on the situation of human rights in Togo and in Belarus and, on 27 August 1999, on persons in Nepal claiming to be refugees from Bhutan.

Documentation

(a) Reports of the Secretary-General (resolution 1999/1, para. 3, resolution 1999/5, para. 9; Chairman's statements on the situation of human rights in Togo and in Belarus made on 20 August 1999).

(b) Report of the High Commissioner for Human Rights (resolution 1999/3, para. 6).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination

(a) Situation of migrant workers and members of their families.

(b) Xenophobia

Legislative authority: Sub-Commission resolutions 1994/4, 1998/5 and 1999/6

Documentation

Preliminary report of the Special Rapporteur on the concept and practice of affirmative action (resolution 1998/5, para. 2)

4. The realization of economic, social and cultural rights

(a) The international economic order and the promotion of human rights.

(b) The realization of the right to development.

(c) The question of transnational corporations.

(d) The realization of the right to education, including education in human rights

Legislative authority: Sub-Commission resolutions 1989/1, 1996/22, 1998/8, 1999/8, 1999/9, 1999/10 and 1999/11 and decisions 1999/107 and 1999/108

Documentation

(a) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 1998/8, para. 5).

(b) Preliminary reports of the Special Rapporteurs on the issue of globalization and its impact on the full enjoyment of all human rights (resolution 1999/8, para. 3).

(c) Annual report of the Secretary-General (resolution 1999/9, para. 5 (b)).

(d) Report of the High Commissioner for Human Rights (resolution 1999/10, para. 2).

(e) Final working paper by Mr. Mehedi on the right to education (resolution 1999/11, para. 2).

(f) Supplement to working paper by Mr. Guissé on the promotion of the realization of the right to drinking water supply and sanitation services (decision 1999/107).

5. The implementation of human rights with regard to women

(a) Traditional practices affecting the health of women and the girl child.

(b) The role and equal participation of women in development

Legislative authority: Sub-Commission resolutions 1999/13, 1999/14 and 1999/15.

Documentation:

(a) Report of the Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 1999/13).

(b) Reports of the Secretary-General (resolution 1999/14, para. 12, resolution 1999/15, para. 10).

6. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1999/16, 1999/17 and 1999/18.

Documentation:

(a) Updated report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (resolution 1999/16, para. 16).

(b) Updated working paper by Mr. Weissbrodt on the conventions on slavery (resolution 1999/17, para. 32).

(c) Report of the Secretary-General (resolution 1999/17, para 43).

(d) Report of the Working Group on Contemporary Forms of Slavery on its twenty-fifth session (resolution 1999/17)

7 Human rights of indigenous peoples

(a) Indigenous peoples and their relationship to land

Legislative authority Economic and Social Council resolutions 1982/34 and 1989/77, Sub-Commission resolutions 1999/20 and 1999/21

Documentation

(a) Report of the Working Group on Indigenous Populations on its eighteenth session (resolution 1999/20).

(b) Final working paper of the Special Rapporteur on indigenous land rights (resolution 1999/21, para 3)

8 Prevention of discrimination against and the protection of minorities

Legislative authority Commission on Human Rights resolutions 1995/24 and 1998/19, Sub-Commission resolutions 1994/4 and 1999/23 and decision 1999/109

Documentation

(a) Report of the Working Group on its sixth session (resolution 1999/23).

(b) Working paper by Mr Sik Yuen on the human rights problems and protection of the Roma (decision 1999/109)

9 The administration of justice and human rights

(a) Question of human rights and states of emergency.

(b) Application of international standards concerning the human rights of detained juveniles.

(c) Gross and massive violations of human rights as an international crime.

(d) Juvenile justice.

(e) Privatization of prisons.

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

Legislative authority: Sub-Commission resolution 1999/24

10. Freedom of movement

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution.

(b) Human rights and population displacements

Legislative authority: Sub-Commission resolution 1994/24

11. Situation regarding the promotion, full realization and protection of the rights of children and youth

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels.

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief.

(iii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions.

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine

(i) Implications of humanitarian activities for the enjoyment of human rights.

(ii) Terrorism and human rights.

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

Legislative authority: Sub-Commission resolutions 5 (XIV), 1999/25, 1999/26, 1999/27 and 1999/28 and decisions 1999/111 and 1999/112.

Documentation:

(a) Report of the Secretary-General (resolution 5 (XIV));

(b) Progress report by the Special Rapporteur on terrorism and human rights (resolution 1999/26, para. 2);

(c) Preliminary report by the Special Rapporteur on the question of reservations to human rights treaties (resolution 1999/27, para. 3);

(d) Additional working paper by Mr. Kartashkin on observance of human rights by States which are not parties to United Nations human rights conventions (resolution 1999/28, para. 2);

(e) Working paper by Mr. Bossuyt on the adverse consequences of economic sanctions on human rights (decision 1999/111);

(f) Working paper by Mr. Diaz Uribe on the implementation of the Guidelines on HIV/AIDS (decision 1999/112).

13. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

14. Concluding items

(a) Consideration of the future work of the Sub-Commission.

(b) Draft provisional agenda for the fifty-third session of the Sub-Commission.

(c) Adoption of the report of the fifty-second session.

Legislative authority: Economic and Social Council resolution 1894 (LVII)

Documentation

Note by the Secretary-General containing the draft provisional agenda for the fifty-third session of the Sub-Commission, together with information concerning documentation relating thereto

285. At the same meeting, the Sub-Commission had before it the draft report on the work of its fifty-first session (E/CN.4/Sub.2/1999/L.10 and addenda, and E/CN.4/Sub.2/1999/L.11 and addenda).

286. Statements in this connection were made by Mr. Eide, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

287. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

288. Concluding remarks were made by Mr. Hatano, Chairperson of the fifty-first session of the Sub-Commission.

289. Mr. Bertrand Ramcharan, Deputy United Nations High Commissioner for Human Rights, also made a statement.

290. In the general debate on agenda item 14, statements were made by members of the Sub-Commission. For a detailed list of speakers, see annex II.

Annex I

AGENDA

1 Organization of work

- (a) Election of officers,
- (b) Adoption of the agenda,
- (c) Methods of work of the Sub-Commission

2 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

3 Comprehensive examination of thematic issues relating to the elimination of racial discrimination

- (a) Situation of migrant workers and members of their families,
- (b) Xenophobia

4 The realization of economic, social and cultural rights

- (a) The international economic order and the promotion of human rights,
- (b) The realization of the right to development,
- (c) The question of transnational corporations,
- (d) The realization of the right to education, including education in human rights

5 The implementation of human rights with regard to women

- (a) Traditional practices affecting the health of women and the girl child,
- (b) The role and equal participation of women in development

6 Contemporary forms of slavery

7 Human rights of indigenous peoples

- (a) Indigenous peoples and their relationship to land

8. Prevention of discrimination against and the protection of minorities

9. The administration of justice and human rights

(a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice;

(e) Privatization of prisons;

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

10. Freedom of movement

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

(b) Human rights and population displacements.

11. Situation regarding the promotion, full realization and protection of the rights of children and youth.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

- (i) Implications of humanitarian activities for the enjoyment of human rights;
- (ii) Terrorism and human rights;

(c) Human rights and disability;

(d) Other new developments:

- (i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;
- (ii) Arbitrary deprivation of nationality.

13. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-second session of the Sub-Commission;

(c) Adoption of the report on the fifty-first session.

Annex II

GENERAL DEBATE

Agenda item[a]	Meeting number	Speakers
1 Organization of work	1st	**Members:** Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Joinet, Ms. Warzazi
	2nd	**Members:** Mr. Alfonso Martinez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fan, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer
	14th	**Members:** Mr. Alfonso Martinez, Mr. Eide, Mr. Fan
	19th	**Members:** Mr. Alfonso Martinez
	22nd (Consideration of subitem 1 (c))	**Members:** Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Eide, Mr. Fan, Ms. Hampson, Mr. Joinet, Mr. Pinheiro, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer **Observers:** Malaysia (on behalf of Algeria, Bhutan, China, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Mexico, Myanmar, Pakistan, the Philippines, Sri Lanka and the Sudan); Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference)
	27th (Consideration of subitem 1 (c))	**Members:** Mr. Alfonso Martinez, Mr. Bossuyt, Mr. Joinet, Mr. Pinheiro
2 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	3rd	**Members:** Mr. Fan, Mr. Guissé **Non-governmental organizations:** Aboriginal and Torres Strait Islander Commission, Afro-Asian People's Solidarity Organization, American Association of Jurists, Asociación Kunas Unidos por Nabguana, Association of World Citizens, Association for World Education, Centre Europe-Tiers Monde (joint statement with the Comisión para la Defensa de los Derechos Humanos en Centroamérica), Centro de Estudios Económicos y Sociales del Tercer Mundo, Franciscans International, Indigenous World Association, International Association of Democratic Lawyers, International Federation of Human Rights, International Institute for Peace, International Organization for the Development of Freedom of Education, International Peace Bureau, International Union of Socialist Youth, Latin American Human Rights Association Service, Justice and Peace in Latin America, Society for Threatened Peoples, World Federation of Trade Unions

Agenda item*	Meeting number	Speakers
2 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (concluded)	4th	**Members:** Mr. Joinet **Observers:** Albania, Azerbaijan, Bahrain, Bhutan, China, Democratic People's Republic of Korea, Indonesia, Iraq, Mexico, Republic of Korea, Sri Lanka, Tunisia, Turkey **Observers (right of reply):** Mexico **Non-governmental organizations:** Asian Women's Human Rights Council, Indian Movement "Tupaj Amaru", Interfaith International, International Confederation of Free Trade Unions, International Educational Development, Inc., International Human Rights Association of American Minorities, International League for the Rights and Liberation of Peoples, Lutheran World Federation, Movement against Racism and for Friendship among Peoples, Pax Romana, Survival International Limited, World Evangelical Fellowship, World Muslim Congress
	5th	**Members:** Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Mr. Khalifa, Mr. Oloka-Onyango, Mr. Park, Ms. Warzazi, Mr. Weissbrodt, Mr. Zhong
	6th	**Members:** Mr. Alfonso Martínez, Mr. Goonesekere, Mr. Joinet, Ms. Motoc **Observers (right of reply):** Belarus, Bhutan, Colombia, India, Indonesia, Iraq, Morocco, Nepal, Pakistan, Republic of the Congo, Turkey
3 Comprehensive examination of thematic issues relating to the elimination of racial discrimination	9th	**Members:** Mr. Shamshur, Ms. Warzazi **Non-governmental organizations:** Aboriginal and Torres Strait Islander Commission, Afro-Asian People's Solidarity Organization, Azerbaijan Women and Development Centre, December Twelfth Movement International Secretariat, European Union of Public Relations, Indian Council of Education, Interfaith International, International Association against Torture, International Confederation of Free Trade Unions, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, Minnesota Advocates for Human Rights, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Netherlands Organization for International Development Cooperation
	10th	**Members:** Mr. Bossuyt, Mr. Eide, Mr. Goonesekere, Mr. Guissé, Ms. Hampson **Non-governmental organizations:** American Association of Jurists, Association de défense des tunisiens à l'étranger, Himalayan Research and Cultural Foundation, International Educational Development, Inc., Pax Romana, World Federation of Trade Unions, World Muslim Congress
	11th	**Members:** Mr. Fan, Mr. Joinet, Ms. Warzazi **Observers:** China, Iran (Islamic Republic of), Mexico, Pakistan, the former Yugoslav Republic of Macedonia, Turkey **Other observers:** International Labour Organization

Agenda item[a]	Meeting number	Speakers
4 The realization of economic, social and cultural rights	11th	**Members:** Mr. Zhong **Non-governmental organizations:** American Association of Jurists, Association of World Citizens, International Movement against All Forms of Discrimination and Racism
	12th	**Members:** Mr. Bengoa, Mr. Guissé, Ms. Hampson, Mr. Khalifa, Mr. Park, Mr. Sik Yuen, Mr. Weissbrodt **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, Centro de Estudios Economicos y Sociales del Tercer Mundo, Himalayan Research and Cultural Foundation, Indian Council of Education, Interfaith International, International Association of Democratic Lawyers, International Federation of Human Rights, International Institute for Non-Aligned Studies, Minority Rights Group, World Federation of Trade Unions
	13th	**Members:** Mr. Goonesekere, Ms. Motoc, Mr. Ramishvili **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Association tunisienne pour l'auto-développement et la solidarité, Centre Europe-Tiers Monde, Foodfirst Information and Action Network, Indian Movement "Tupaj Amaru" (joint statement with North-South XXI), International Confederation of Free Trade Unions, International Educational Development, Inc., International Federation of Social Workers, International Institute for Peace, International Islamic Federation of Student Organizations, International Organization for the Development of Freedom of Education (joint statement with the Association de volontaires pour le service international and New Humanity), Liberation, Lutheran World Federation, Pax Romana (joint statement with the International Federation of Rural Adult Catholic Movements), Service, Justice and Peace in Latin America, Survival International Limited, Union of Arab Jurists, Women's International Democratic Federation, World Federation of Democratic Youth, World Muslim Congress
	14th	**Members:** Ms. Daes, Mr. Joinet **Observers:** Bangladesh, Cuba, India, Iraq, Malaysia (on behalf of Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka and the Sudan), Mexico, Pakistan, Sudan **Observers (right of reply):** Iraq **Other observers:** United Nations Educational, Scientific and Cultural Organization **Non-governmental organizations:** December Twelfth Movement International Secretariat, European Union of Public Relations, Franciscans International, International Commission of Jurists (joint statement with Habitat International Coalition)

Agenda item[*]	Meeting number	Speakers
5 The implementation of human rights with regard to women	15th	**Members:** Mr. Guissé, Ms. McDougall, Mr. Park, Mr. Pinheiro **Non-governmental organizations:** American Association of Jurists, Asian Women's Human Rights Council, Association for World Education, European Union of Public Relations, France Libertés-Fondation Danielle Mitterrand, General Arab Women Federation, Himalayan Research and Cultural Foundation, International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Movement for Fraternal Union among Races and Peoples, Liberation, Transnational Radical Party, World Organization against Torture
	16th	**Members:** Mr. Eide, Mr. Oloka-Onyango **Observers:** Cuba, Iraq, Mexico, Pakistan, Sudan **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, Asian Buddhists Conference for Peace, Association de défense des tunisiens à l'étranger, International Educational Development, Inc., International Institute for Peace, Latin American Human Rights Association, Netherlands Organization for International Development Cooperation, Pax Romana, Survival International Limited, World Federation of Methodist Women, World Federation of Trade Unions
6 Contemporary forms of slavery	16th	**Members:** Mr. Guissé **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, International Association of Democratic Lawyers, Liberation, World Federation of Trade Unions
	17th	**Members:** Ms. Daes, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Shamshur, Mr. Sik Yuen **Observers:** Democratic People's Republic of Korea, Pakistan, Sudan **Non-governmental organizations:** Asia Pacific Forum on Women, Law and Development, Asian Women's Human Rights Council, Interfaith International, International Educational Development, Inc., International Institute for Peace, International Movement against All Forms of Discrimination and Racism (joint statement with Anti-Slavery International), International Peace Bureau

Agenda item*	Meeting number	Speakers
7 Human rights of indigenous peoples	17th	**Non-governmental organizations:** Transnational Radical Party
	18th	**Members:** Mr. Alfonso Martinez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Mehedi, Mr. Weissbrodt **Non-governmental organizations:** Centre of Economic and Social Studies of the Third World, Centre Europe-Tiers Monde, Consultative Council of Jewish Organizations, France Libertés-Fondation Danielle Mitterrand, Franciscans International, Indian Movement "Tupaj Amaru", International Educational Development, Inc., International Institute for Peace, International League for the Rights and Liberation of Peoples, International Organization of Indigenous Resource Development (joint statement with the American Indian Law Alliance), Minority Rights Group, Pax Romana
	19th	**Members:** Mr. Fan, Mr. Joinet **Observers:** Chile, China, Mauritius, Mexico, Paraguay **Observers (right of reply):** Bangladesh, Brazil, Chile, Mexico **Non-governmental organizations:** Aboriginal and Torres Strait Islander Commission, Agir ensemble pour les droits de l'homme, American Association of Jurists, Indian Council of South America, Indigenous World Association, Interfaith International, Latin American Human Rights Association, Liberation, Netherlands Organization for International Development Cooperation, North-South XXI
8 Prevention of discrimination against and the protection of minorities	19th	**Non-governmental organizations:** France Libertés-Fondation Danielle Mitterrand, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, Transnational Radical Party
	20th	**Members:** Mr. Alfonso Martinez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guisse, Ms. Hampson, Mr. Khalifa, Mr. Park, Mr. Shamshur, Ms. Udagama, Mr. Weissbrodt **Non-governmental organizations:** Caucasians United for Reparations and Emancipation, Consultative Council of Jewish Organizations, European Union of Public Relations, Himalayan Research and Cultural Foundation, Indian Council of Education, Interfaith International, International Federation of Free Journalists, International Institute for Peace, Minority Rights Group, World Evangelical Fellowship, World Federation of Trade Unions

Agenda item*	Meeting number	Speakers
8 Prevention of discrimination against and the protection of minorities (concluded)	21st	**Members:** Mr. Eide, Ms. Motoc, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi **Observers:** Czech Republic, Georgia, Greece, Pakistan, Russian Federation, Sri Lanka, Sudan **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, Asian Women's Human Rights Council, Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, Franciscans International, International Association for Religious Freedom, International Educational Development, Inc., International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, International Peace Bureau, International Prison Watch, Liberation, Movement against Racism and for Friendship among Peoples, Pax Romana, World Federation of Democratic Youth, World Muslim Congress
	22nd	**Members:** Ms. Daes, Mr. Joinet, Mr. Oloka-Onyango **Observers (right of reply):** Estonia, Greece, Turkey, Viet Nam
9 The administration of justice and human rights	22nd	**Members:** Mr. Joinet **Non-governmental organizations:** France Libertes-Fondation Danielle Mitterrand, International Movement for Fraternal Union among Races and Peoples, International PEN, War Resisters International, World Organization against Torture
	23rd	**Members:** Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Weissbrodt **Observers:** Colombia, Pakistan **Non-governmental organizations:** Aboriginal and Torres Strait Islander Commission, Agir ensemble pour les droits de l'homme, Centre Europe-Tiers Monde, December Twelfth Movement International Secretariat, Human Rights Advocates, Inc., Indian Council of South America, Interfaith International, International Association against Torture, International Commission of Jurists, International Educational Development, Inc., International Federation of Human Rights, International Institute for Peace, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, International Organization of Indigenous Resource Development, Liberation, Women's International Democratic Federation, World Muslim Congress
	24th	**Members:** Ms. Motoc **Observers:** Armenia **Observers (right of reply):** Bahrain, Egypt, Ethiopia, Morocco, Turkey

Agenda item*	Meeting number	Speakers
10 Freedom of movement	24th	**Non-governmental organizations:** Himalayan Research and Cultural Foundation, Interfaith International, Transnational Radical Party
	26th	**Observers:** Cyprus **Observers (right of reply):** Iraq **Other observers:** Office of the United Nations High Commissioner for Refugees **Non-governmental organizations:** World Federation of Trade Unions
11 Situation regarding the promotion, full realization and protection of the rights of children and youth	26th	**Members:** Mr. Park **Observers:** Iraq **Other observers:** International Labour Organization **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Himalayan Research and Cultural Foundation, Indian Council of Education, International Institute for Non-Aligned Studies, Organisation tunisienne de l'éducation et de la famille, Pax Romana, World Organization against Torture
12 Review of further developments in fields with which the Sub-Commission has been or may be concerned	26th	**Members:** Mr. Bossuyt, Mr. Fan, Mr. Guissé, Mr. Khalil, Mr. Joinet
	27th	**Members:** Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Park, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, American Association of Jurists, Association for World Education, Association of World Citizens, Himalayan Research and Cultural Foundation, Interfaith International, International Association of Democratic Lawyers, International Commission of Jurists, International Council of AIDS Service Organizations, International Institute for Peace, International Organization for the Elimination of All Forms of Racial Discrimination, International Peace Bureau (joint statement with International Educational Development, Inc.), Médecins du monde international, World Federation of Trade Unions
	30th	**Members:** Mr. Eide, Mr. Mehedi **Observers:** India, Iraq, Pakistan, Sri Lanka, Turkey **Observers (right of reply):** Bahrain, India, Iraq, Pakistan **Non-governmental organizations:** Consultative Council of Jewish Organizations (joint statement with Coordinating Board of Jewish Organizations and World Union for Progressive Judaism), European Union of Public Relations, International Federation of Human Rights, International League for the Rights and Liberation of Peoples (joint statement with Society for Threatened Peoples), World Fellowship of Buddhists

Agenda item*	Meeting number	Speakers
13 Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)	(closed meetings) 28th, 29th and part of 34th	
14 Concluding items	34th	**Members:** Mr. Alfonso Martinez (on behalf of the Latin American Group); Ms. Daes (on behalf of the Western Group); Mr. Ramishvili (on behalf of the Eastern European Group); Mr. Sorabjee (on behalf of the Asian Group); Ms. Warzazi (on behalf of the African Group)

---

* The titles of agenda items have been abbreviated where appropriate.

Annex III

LIST OF ATTENDANCE

Experts and alternates

Name	Country of nationality
Mr Miguel ALFONSO MARTINEZ	(Cuba)
Mr Jose BENGOA	(Chile)
Mr Alejandro SALINAS RIVERA*	
Mr Marc BOSSUYT	(Belgium)
Ms Erica-Irene DAES	(Greece)
Ms Kalliopi KOUFA*	
Mr Asbjørn EIDE	(Norway)
Mr Jan HELGESEN*	
Mr FAN Guoxiang	(China)
Mr ZHONG Shukong*	
Mr Hector FIX ZAMUDIO	(Mexico)
Mr Alfonso GOMEZ-ROBLEDO VEDUZCO*	
Mr Alberto DIAZ URIBE*	(Colombia)
Mr Rajendra Kalidas Wimala GOONESEKERE	(Sri Lanka)
Ms Deepika UDAGAMA*	
Mr El Hadji GUISSE	(Senegal)
Ms Françoise HAMPSON	(United Kingdom of Great Britain and Northern Ireland)
Mr Ribot HATANO	(Japan)
Mr Yozo YOKOTA*	
Mr Louis JOINET	(France)

---

* Alternate

Name	Country of nationality
Mr. Ahmed KHALIFA	(Egypt)
Mr. Ahmed KHALIL*	
Mr. Ioan MAXIM	(Romania)
Ms. Antoanella Iulia MOTOC*	
Mr. Mustapha MEHEDI	(Algeria)
Mr. Joseph OLOKA-ONYANGO	(Uganda)
Mr. Sang Yong PARK	(Republic of Korea)
Mr. Paulo Sergio PINHEIRO	(Brazil)
Mr. Teimuraz RAMISHVILI	(Russian Federation)
Mr. Vladimir KARTASHKIN*	
Mr. Oleg SHAMSHUR*	(Ukraine)
Mr. Yeung Kam Yeung SIK YUEN	(Mauritius)
Mr. Soli Jehangir SORABJEE	(India)
Ms. Halima Embarek WARZAZI	(Morocco)
Mr. David WEISSBRODT	(United States of America)
Ms. Gay McDOUGALL*	
Mr. Fisseha YIMER	(Ethiopia)

States Members of the United Nations represented by observers

Afghanistan
Albania
Algeria
Angola
Argentina
Armenia
Australia
Austria
Azerbaijan
Bahrain
Bangladesh
Belarus
Belgium
Bhutan
Brazil
Cameroon
Canada
Chile
China
Colombia
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Democratic People's Republic of Korea
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
Eritrea
Estonia
Ethiopia
Finland
France
Georgia
Germany
Ghana
Greece
Guatemala
Guinea
Haiti
Honduras
Hungary
India
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Israel
Italy
Japan
Jordan
Kazakhstan
Kenya
Kuwait
Latvia
Lebanon
Libyan Arab Jamahiriya
Lithuania
Luxembourg
Madagascar
Mauritania
Mauritius
Mexico
Morocco
Myanmar
Nepal
Netherlands
New Zealand
Nicaragua
Norway
Oman
Pakistan
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of the Congo
Republic of Korea
Romania
Russian Federation
San Marino
Saudi Arabia
Senegal
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Sweden
Syrian Arab Republic
Thailand
The former Yugoslav Republic of Macedonia
Togo
Tunisia
Turkey
Uganda
Ukraine
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Uruguay
Venezuela
Viet Nam
Yemen
Zambia

Non-member States represented by observers

Holy See, Switzerland

United Nations bodies

United Nations Centre for Human Settlements, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Non-Governmental Liaison Service, United Nations Population Fund, United Nations Volunteers

Specialized agencies

International Labour Office, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, World Food Programme, World Health Organization

Intergovernmental organizations

Arab Labour Organization, European Commission, International Organization for Migration, League of Arab States, Organization of African Unity, Organization of the Islamic Conference

Other organizations

International Committee of the Red Cross, Observatoire national des droits de l'homme (de l'Algérie)

Non-governmental organizations

General consultative status

Academic Council on the United Nations System
Asian Legal Resource Centre Ltd
Caritas Internationalis
Centre Europe-Tiers Monde
Franciscans International
Inter-Parliamentary Union
International Alliance of Women
International Council of Women
International Institute for Non-Aligned Studies
International Save the Children Alliance
Médecins du Monde-International
Transnational Radical Party
World Confederation of Labour
World Federation of Democratic Youth
World Federation of Trade Unions
World Federation of United Nations Associations
World Muslim Congress
Zonta International

Special consultative status

Aboriginal and Torres Strait Islander Commission
African Commission of Health and Human Rights Promoters
Afro-Asian Peoples' Solidarity Organization
Agir ensemble pour les droits de l'homme
All India Women's Conference
American Association of Jurists
Anti-Slavery International
Arab Lawyers Union
Arab Organization for Human Rights
Art of Living Foundation
Asian Women's Human Rights Council
Association de défence des Tunisiens a l'étranger
ATLAS - association tunisienne pour l'auto-développement et la solidarite
Azerbaijan Women and Development Centre
Baha'i International Community
Centre of Economic and Social Studies of the Third World
Commission of the Churches on International Affairs of the World Council of Churches
Consultative Council of Jewish Organizations
December Twelfth Movement International Secretariat
European Law Students' Association, The
Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos
France Libertés - Fondation Danielle Mitterrand
General Arab Women Federation
Group for International Solidarity (GRINSO)
Himalayan Research and Cultural Foundation
Human Rights Advocates, Inc
Indian Council of Education
Indian Movement "Tupaj Amaru"
Indigenous World Association
Interfaith International
International Association against Torture
International Association for the Defence of Religious Liberty
International Association of Democratic Lawyers
International Club for Peace Research
International Commission of Jurists
International Council of Jewish Women
International Federation of ACAT (Action of Christians for the Abolition of Torture)
International Federation of Human Rights Leagues
International Federation of Social Workers
International Federation Terre des Hommes
International Fellowship of Reconciliation
International Human Rights Law Group
International Institute of Humanitarian Law
International Islamic Federation of Student Organizations
International League for the Rights and Liberation of Peoples
International Movement for Fraternal Union among Races and Peoples
International Organization for the Development of Freedom of Education
International Organization for the Elimination of All Forms of Racial Discrimination
International Prison Watch
International Service for Human Rights
International Union of Socialist Youth
International Work Group for Indigenous Affairs
Latin American Human Rights Association (ALDHU)
Lutheran World Federation
Minnesota Advocates for Human Rights
National Coordinator for Human Rights
Netherlands Organization for International Development Cooperation
New Humanity
North-South XXI
Organisation tunisienne de l'education et de la famille
Organisation tunisienne des jeunes medecins sans frontières
Pax Christi International
Pax Romana
Penal Reform International

Service Peace and Justice in Latin America
Society for Threatened Peoples
Tunisian Mothers' Association
Union of Arab Jurists
United Towns Agency for North-South Cooperation
Women's International League for Peace and Freedom
World Association of Former United Nations Interns and Fellows
World Federation for Mental Health
World Federation of Methodist and Uniting Church Women
World Organization Against Torture
World University Service
Worldview International Foundation

Roster

Asia Pacific Forum on Women, Law and Development
Asian Buddhist Conference for Peace
Asociación Kunas Unidos por NAPGUANA
Association for World Education
Association of World Citizens
Caucasians United for Reparations and Emancipation (CURE/AFRE)
European Union of Public Relations
FIAN - Foodfirst Information and Action Network
Grand Council of the Crees (EEYOU ISTCHEE)
Indian Council of South America
International Baccalaureate Organisation
International Educational Development, Inc.
International Federation of Free Journalists
International Human Rights Association of American Minorities
International Institute for Peace
International Movement against All Forms of Discrimination and Racism
International Peace Bureau
International PEN
International Police Association
Liberation
Minority Rights Group
Movement against Racism and for Friendship among Peoples
Saami Council
Servas International
Soka Gakkai International
Survival International Limited
World Association for the School as an Instrument of Peace
World Christian Life Community

Annex IV

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-FIRST SESSION

1. It is anticipated that the requirements relating to resolutions and decisions adopted by the Sub-Commission at its fifty-first session, which are to be considered by the Commission on Human Rights at its fifty-sixth session, would be absorbed from within the provisions made under section 21 of the 2000-2001 programme budget for activities mandated by the Economic and Social Council. If warranted, statements on administrative and programme budget implications will be prepared.

2. Should the draft decisions recommended to the Commission on Human Rights at its fifty-sixth session be adopted, additional resources which would be required under section 21 would be the subject of a statement on administrative and programme budget implications included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fifty-first session.

Annex V

SUB-COMMISSION RESOLUTIONS AND DECISIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS

Resolutions

1999/1	Situation of human rights in the Republic of the Congo, paragraphs 3, 4 and 5
1999/4	The death penalty, particularly in relation to juvenile offenders, paragraph 5
1999/5	Continuing of obligations under international human rights treaties, paragraphs 9 and 10
1999/6	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, paragraphs 8, 13, 15, 16, 17, 18
1999/12	The right to adequate food and to be free from hunger, paragraph 8
1999/13	Traditional practices affecting the health of women and the girl child, paragraphs 7 and 8
1999/16	Systematic rape, sexual slavery and slavery-like practices, paragraph 15
1999/19	International Decade of the World's Indigenous People, paragraph 19
1999/20	Working Group on Indigenous Populations, paragraphs 6 and 13
1999/22	Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations, paragraph 7
1999/23	Prevention of discrimination against and the protection of minorities, paragraph 7
1999/24	Draft international convention on the protection of all persons from enforced disappearance, paragraph 1
1999/29	Globalization and its impact on the full enjoyment of all human rights, paragraph 2

Decisions

1999/114	Methods of work of the Sub-Commission
1999/115	Rationalization of the work of the Commission on Human Rights

Annex VI

LIST OF STUDIES AND REPORTS

A. STUDIES AND REPORTS COMPLETED AT THE FIFTY-FIRST SESSION OF THE SUB-COMMISSION[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
7	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martinez	Sub-Commission resolution 1999/22	Forty-third session (1991)	Fifty-first session (1999)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
3	The concept and practice of affirmative action	Mr. Bossuyt	Commission on Human Rights decision 1999/107 Sub-Commission resolution 1998/5	Fifty-second session (2000)	
5	Traditional practices affecting the health of women and the girl child	Ms. Warzazi	Commission on Human Rights resolution 1999/80 Sub-Commission resolution 1999/13	Forty-first session (1989)	
6	Systematic rape, sexual slavery and slaverynlike practices during armed conflict, including internal armed conflict	Ms. McDougall	Sub-Commission resolution 1999/16	Forty-eighth session (1996)	Fifty-second session (2000)
7	Indigenous peoples and their relationship to land	Ms. Daes	Sub-Commission resolution 1999/21	Forty-ninth session (1997)	Fifty-second session (2000)
12	Human rights and terrorism	Ms. Koufa	Commission on Human Rights decision 1998/107 Sub-Commission resolution 1999/26	Fifty-first session (1999)	Fifty-third session (2001)

C. WORKING PAPERS AND OTHER DOCUMENTS WITHOUT FINANCIAL IMPLICATIONS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY[a]

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
4	The realization of the right to education, including education in human rights	Mr. Mehedi	Sub-Commission resolution 1999/11	Fiftieth session (1998)	Fifty-second session (2000)
4	Promotion of the realization of the right to drinking water supply and sanitation services	Mr. Guissé	Sub-Commission decision 1999/107	Fiftieth session (1998)	Fifty-second session (2000)
6	Review of international standards on slavery	Mr. Weissbrodt	Sub-Commission resolution 1999/17	Fifty-first session (1999)	Fifty-second session (2000)
8	The human rights problems and protections of the Roma	Mr. Sik Yuen	Sub-Commission decision 1999/109		Fifty-second session (2000)
12	Observance of human rights by States not parties to United Nations human rights conventions	Mr. Kartashkin	Sub-Commission resolution 1999/28	Fifty-first session (1999)	Fifty-second session (2000)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
12	Globalization and its impact on the full enjoyment of all human rights	Mr. Oloka-Onyango	Sub-Commission resolution 1999/29		Fifty-seventh session of the Commission on Human Rights (2001)
12	Adverse consequences of economic sanctions on human rights	Mr. Bossuyt	Sub-Commission decision 1999/111		Fifty-second session (2000)
12	Implementation of the Guidelines on HIV/AIDS	Mr. Diaz Uribe	Sub-Commission decision 1999/112		Fifty-second session (2000)

D. STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
3	The rights of non-citizens	To be appointed	Sub-Commission resolution 1999/7	Fifty-third session (2001)	Fifty-fifth session (2003)
4	Globalization and its impact on the full enjoyment of all human rights	Mr. Oloka-Onyango and Ms. Udagama	Sub-Commission resolution 1999/8	Fifty-second session (2000)	
12	Reservations to human rights treaties	Ms. Hampson	Sub-Commission resolution 1999/27	Fifty-second session (2000)	Fifty-fourth session (2002)

---

[a] This has been prepared in accordance with Commission on Human Rights resolution 1982/23

Annex VII

LIST OF DOCUMENTS FOR THE FIFTY-FIRST SESSION OF THE SUB-COMMISSION

Documents in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1999/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1999/1/Add.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1999/2	1 (c)	Final working paper on methods of work of the Sub-Commission, submitted by Mr. Ribot Hatano pursuant to Sub-Commission decision 1998/108
E/CN.4/Sub.2/1999/3	1 (c)	Note by the secretariat
E/CN.4/Sub.,2/1999/4 and Add.1 and Add.2	2	Violations of the rights of human rights defenders in all countries: note by the secretariat
E/CN.4/Sub.2/1999/5	3	Note by the secretariat
E/CN.4/Sub.2/1999/6	3	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: note by the secretariat
E/CN.4/Sub.2/1999/7	3	The rights of non-citizens: working paper submitted by Mr. David Weissbrodt in accordance with Sub-Commission decision 1998/103
E/CN.4/Sub.2/1999/7/Add.1	3	Idem. Issues relating to migrants

Symbol	Agenda item	
E/CN.4/Sub.2/1999/8	3	Globalization in the context of increased incidents of racism, racial discrimination and xenophobia: working paper submitted by Mr. J. Oloka-Onyango in accordance with Sub-Commission decision 1998/104
E/CN.4/Sub.2/1999/9	4 (c)	Report of the sessional working group on the working methods and activities of transnational corporations on its first session
E/CN.4/Sub.2/1999/10	4 (d)	The content of the right to education: working paper submitted by Mr. Mustapha Mehedi
E/CN.4/Sub.2/1999/11	4	Human rights as the primary objective of international trade, investment and finance policy and practice: working paper submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama in accordance with Sub-Commission resolution 1998/12
E/CN.4/Sub.2/1999/12	4	The right to adequate food and to be free from hunger: updated study on the right to food, submitted by Mr. Asbjørn Eide in accordance with Sub-Commission decision 1998/106
E/CN.4/Sub.2/1999/13	5	Situation of women and girls in Afghanistan: report of the Secretary-General submitted in accordance with Sub-Commission resolution 1998/17
E/CN.4/Sub.2/1999/14	5 (a)	Third report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, submitted by Ms. Halima Embarek Warzazi, Special Rapporteur, in accordance with Sub-Commission resolution 1998/16

Symbol	Agenda item	
E/CN.4/Sub.2/1999/15 and Add.1	6	Implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography: report of the Secretary-General submitted pursuant to Sub-Commission resolution 1998/19
E/CN.4/Sub.2/1999/16	6	Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict: note by the secretariat
E/CN.4/Sub.2/1999/17	6	Report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session
E/CN.4/Sub.2/1999/18	7	Indigenous people and their relationship to land: second progress report on the working paper prepared by Ms. Erica-Irene A. Daes, Special Rapporteur
E/CN.4/Sub.2/1999/19	7	Report of the Working Group on Indigenous Populations on its seventeenth session
E/CN.4/Sub.2/1999/20	7	Study on treaties, agreements and other constructive arrangements between States and indigenous populations: final report by Mr. Miguel Alfonso-Martinez, Special Rapporteur
E/CN.4/Sub.2/1999/21	8	Report of the Working Group on Minorities on its fifth session
E/CN.4/Sub.2/1999/22	1 (c)	Report of the sessional working group on methods of work of the Sub-Commission on the Promotion and Protection of Human Rights, established pursuant to Sub-Commission decision 1999/102
E/CN.4/Sub.2/1999/23	12	Note by the Secretary-General
E/CN.4/Sub.2/1999/24	3,5,7,9,12	Memorandum submitted by the International Labour Office

Symbol	Agenda item	
E/CN.4/Sub.2/1999/25	12	[Symbol not used]
E/CN.4/Sub.2/1999/26	12 (d) (i)	Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights: note by the secretariat
E/CN.4/Sub.2/1999/27	12 (b) (ii)	Terrorism and human rights: preliminary report submitted by Ms. Kalliopi K. Koufa, Special Rapporteur
E/CN.4/Sub.2/1999/28 and Corr.1	12	Reservations to human rights treaties: working paper submitted by Ms. Françoise Hampson pursuant to Sub-Commission decision 1998/113
E/CN.4/Sub.2/1999/29	12	Observance of human rights by States which are not parties to United Nations human rights conventions: working paper submitted by Mr. Vladimir Kartashkin in accordance with Sub-Commission decision 1998/115
E/CN.4/Sub.2/1999/30	4	Promoting the right to development in the context of the United Nations Decade for the Eradication of Poverty (1997-2006): report of the Secretary-General submitted in accordance with Sub-Commission decision 1998/105
E/CN.4/Sub.2/1999/31	9 (a)	List of States which have proclaimed or continued a state of emergency: note by the Office of the United Nations High Commissioner for Human Rights
E/CN.4/Sub.2/1999/32	12	Note verbale dated 15 June 1999 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1999/33	4	Note verbale dated 15 June 1999 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights
E/CN.4/Sub.2/1999/34	12 (d) (i)	Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/35	11	Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/36	9 (b)	Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/37	8	Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1999/38	5	Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/39	12 (b) (ii)	Letter dated 27 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/40	3	Letter dated 2 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/41	2	Letter dated 29 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/42	2	Letter dated 6 August 1999 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1999/43	2	Letter dated 6 August 1999 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/44	2	Letter dated 6 August 1999 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/45	10 (b)	Note by the secretariat
E/CN.4/Sub.2/1999/46	2	Letter dated 16 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/47	1 (c)	Common position of the Sub-Commission on the Promotion and Protection of Human Rights on future tasks, length of sessions, working methods, composition and election of members: note by the Chairperson
E/CN.4/Sub.2/1999/48	12 (d) (i)	Letter dated 23 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1999/49	1 (c)	Letter dated 24 August 1999 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/50	10	Letter dated 24 August 1999 from the Permanent Representative of Kuwait to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/51	12 (b) (ii)	Letter dated 26 August 1999 from the Charge d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/52	2	Letter dated 27 August 1999 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/1999/53	5	Letter dated 26 August 1999 from the Permanent Representative of Pakistan to the United Nations Office at Geneva addressed to the Chairperson of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

Documents in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1999/L.1	14 (b)	Note by the Secretary-General
E/CN.4/Sub.2/1999/L.2	3	The concept and practice of affirmative action: draft decision
E/CN.4/Sub.2/1999/L.3	3	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: draft resolution
E/CN.4/Sub.2/1999/L.4	3	The rights of non-citizens: draft resolution
E/CN.4/Sub.2/1999/L.5	2	Situation of human rights in the Congo: draft resolution
E/CN.4/Sub.2/1999/L.6	2	Situation of human rights in Belarus: draft resolution
E/CN.4/Sub.2/1999/L.7	2	Situation of human rights in Togo: draft resolution
E/CN.4/Sub.2/1999/L.8	4	Promotion of the realization of the right to drinking water supply and sanitation services: draft resolution
E/CN.4/Sub.2/1999/L.9	4	Globalization and its impact on the full enjoyment of all human rights: draft resolution
E/CN.4/Sub.2/1999/L.10 and Add.1-12	14 (c)	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-first session
E/CN.4/Sub.2/1999/L.11 and Add.1-3	14 (c)	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-first session
E/CN.4/Sub.2/1999/L.12 and Rev.1	2	Question of the violation of human rights and fundamental freedoms in all countries: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1999/L.13	4	Housing and property restitution in the context of the return of refugees and internally displaced persons: draft decision
E/CN.4/Sub.2/1999/L.14	4	Follow-up to resolution 1996/22 and decision 1998/105 on the right to development: draft resolution
E/CN.4/Sub.2/1999/L.15	2	Violations of the rights of human rights defenders in all countries: draft resolution
E/CN.4/Sub.2/1999/L.16	2	The death penalty, particularly in relation to juvenile offenders: draft resolution
E/CN.4/Sub.2/1999/L.17	2	Continuing of obligations under international human rights treaties: draft resolution
E/CN.4/Sub.2/1999/L.18	2	Situation of long-term refugees and internally displaced persons: draft resolution
E/CN.4/Sub.2/1999/L.19	2	Situation of human rights in Indonesia: draft resolution
E/CN.4/Sub.2/1999/L.20	4	The Social Forum: draft resolution
E/CN.4/Sub.2/1999/L.21	4 (d)	The realization of the right to education, including education in human rights: draft resolution
E/CN.4/Sub.2/1999/L.22	4 (a)	Trade liberalization: draft resolution
E/CN.4/Sub.2/1999/L.23	5	Traditional practices affecting the health of women and the girl child: draft resolution
E/CN.4/Sub.2/1999/L.24	5	The situation of women and girls in Afghanistan: draft resolution
E/CN.4/Sub.2/1999/L.25	4	The right to adequate food and to be free from hunger: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1999/L.26	1 (c)	Methods of work of the Sub-Commission: draft decision
E/CN.4/Sub.2/1999/L.27	5 (b)	Women and the right to development
E/CN.4/Sub.2/1999/L.28	6	Systematic rape, sexual slavery and slavery-like practices: draft resolution
E/CN.4/Sub.2/1999/L.29	6	Report of the Working Group on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/1999/L.30	7	International Decade of the World's Indigenous People: draft resolution
E/CN.4/Sub.2/1999/L.31	7	Working Group on Indigenous Populations: draft resolution
E/CN.4/Sub.2/1999/L.32	7	Working paper on indigenous peoples and their relationship to land: draft resolution
E/CN.4/Sub.2/1999/L.33	7	Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations: draft resolution
E/CN.4/Sub.2/1999/L.34	8	The human rights problems and protections of the Roma: draft decision
E/CN.4/Sub.2/1999/L.35	12	Promotion of dialogue on human rights issues: draft resolution
E/CN.4/Sub.2/1999/L.36	8	Prevention of discrimination against and the protection of minorities: draft resolution
E/CN.4/Sub.2/1999/L.37	12 (b) (i)	Humanitarian situation in Iraq: draft decision
E/CN.4/Sub.2/1999/L.38	6	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1999/L.39	12 (b) (i)	Adverse consequences of economic sanctions on the enjoyment of human rights: draft decision
E/CN.4/Sub.2/1999/L.40	12 (b) (ii)	Terrorism and human rights: draft resolution
E/CN.4/Sub.2/1999/L.41	9	Draft international convention on the protection of all persons from enforced disappearance: draft resolution
E/CN.4/Sub.2/1999/L.42	12	Reservations to human rights treaties: draft resolution
E/CN.4/Sub.2/1999/L.43	12	Human rights in the context of HIV/AIDS: draft decision
E/CN.4/Sub.2/1999/L.44	12 (a) (i)	Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war: draft decision
E/CN.4/Sub.2/1999/L.45	12 (a) (ii)	Observance of human rights by States which are not parties to United Nations human rights conventions: draft resolution
E/CN.4/Sub.2/1999/L.46	12	Globalization and its impact on the full enjoyment of all human rights: draft resolution
E/CN.4/Sub.2/1999/L.47	1 (c)	Rationalization of the work of the Commission on Human Rights: draft decision

Documents in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/Sub.2/1999/NGO/1	7	Written statement submitted by Survival International Limited, a non-governmental organization on the Roster
E/CN.4/Sub.2/1999/NGO/2	8	Written statement submitted by Caucasians United for Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/Sub.2/1999/NGO/3	3 and 9	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization on the Roster
E/CN.4/Sub.2/1999/NGO/4	3	Written Statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/5	4 (b), 5 (b) and 11	Written statement submitted by the International Council of AIDS Service Organizations, a non-governmental organization on the Roster
E/CN.4/Sub.2/1999/NGO/6	8	Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster
E/CN.4/Sub.2/1999/NGO/7	2	Joint written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in general consultative status, and the African Commission of Health and Human Rights Promoters and Interfaith International, non-governmental organizations in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1999/NGO/8	4	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/9	2	Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/10	10	Idem
E/CN.4/Sub.2/1999/NGO/11	8	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/12	3	Idem
E/CN.4/Sub.2/1999/NGO/13	2	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/14	4 (c)	Idem
E/CN.4/Sub.2/1999/NGO/15	6	Idem
E/CN.4/Sub.2/1999/NGO/16	7 (a)	Idem
E/CN.4/Sub.2/199/NGO/17	7	Idem
E/CN.4/Sub.2/1999/NGO/18	8	Idem
E/CN.4/Sub.2/1999/NGO/19	10 (a)	Idem
E/CN.4/Sub.2/1999/NGO/20	4 (d)	Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/21	4 (a)	Idem
E/CN.4/Sub.2/1999/NGO/22	4 (b)	Idem

Symbol	Agenda item	
E/CN.4/Sub.2/1999/NGO/23	9	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1999/NGO/24	2	Written statement submitted by Centre Europe-Tiers monde, a non-governmental organization in general consultative status
E/CN.4/Sub.2/1999/NGO/25	4	Idem
E/CN.4/Sub.2/1999/NGO/26	4	Joint written statement submitted by Habitat International Coalition and the Lutheran World Federation, non-governmental organizations in special consultative status
E/CN.4/Sub.2/1999/NGO/27	12 (a) (i)	Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, non-governmental organization in special consultative status

-----